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L A W S

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1845,

IN THE

SIXTY-NINTH YEAR OF INDEPENDENCE,

INCLUDING SEVEN ACTS PASSED BY BOTH BRANCHES OF THE LEGISLATURE AT THE
SESSION OF EIGHTEEN HUNDRED AND FORTY-FOUR.



PUBLISHED BY AUTHORITY.

HARRISBURG:

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.....

1845.



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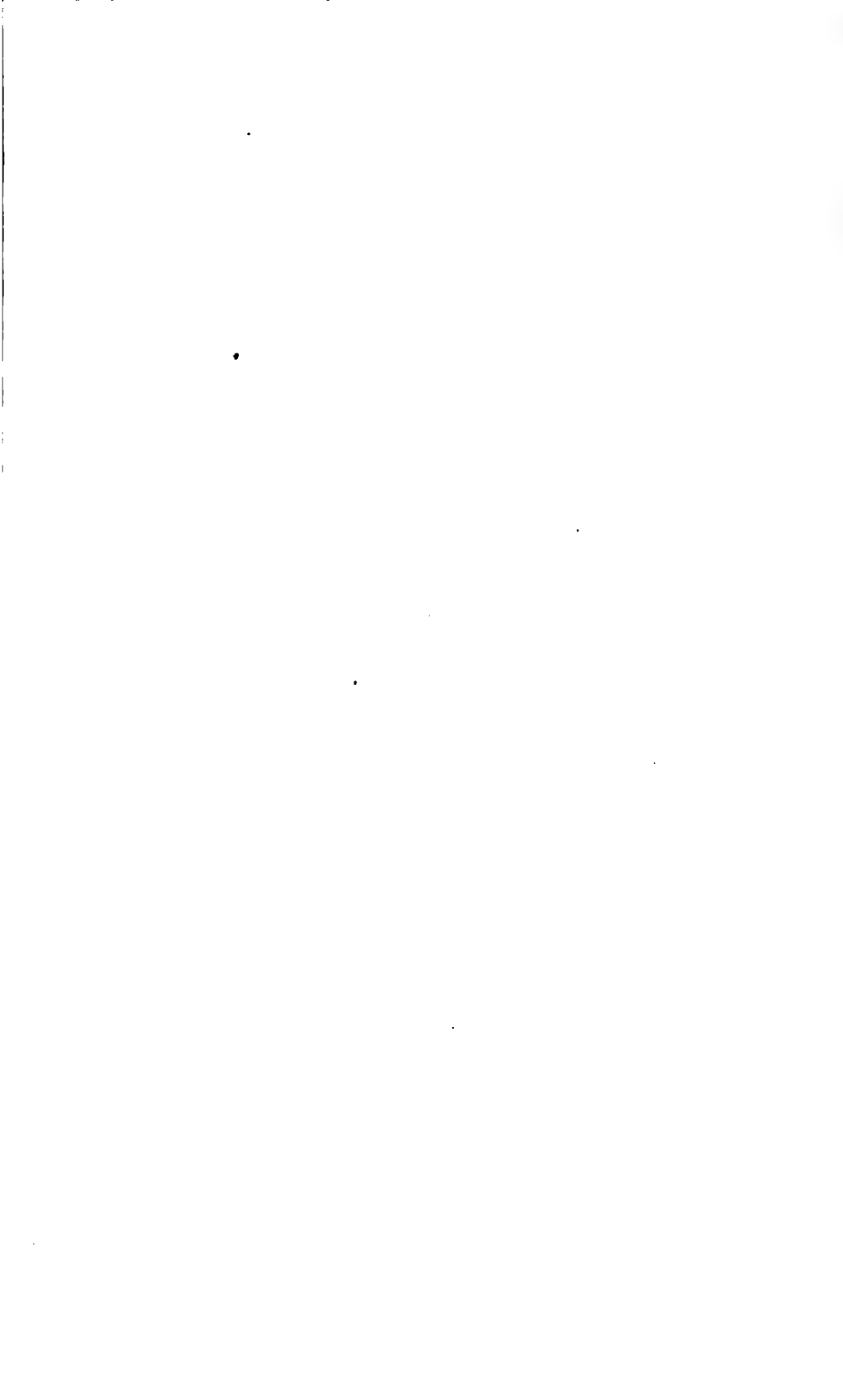
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NOTE.—The seven next following Acts, Nos. 378, 379, 380, 381, 382, 383 and 384, printed in this volume, were passed by both branches of the Legislature at the Session of 1844, but did not become laws in time to be printed with the Laws of that Session.

L A W S

OF THE

COMMONWEALTH OF PENNSYLVANIA.

No. 378.

A N A C T

To annul the marriage contract between John C. Carter and Hannah, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between John C. Carter, of the county of Luzerne, and Hannah, his wife, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

We certify that the bill, entitled "An Act to annul the marriage contract between John C. Carter, and Hannah, his wife," was presented to the governor on the thirteenth day of April, A. D. eighteen hundred and forty-four, and was not returned within ten days (Sundays excepted,) after it had been presented to him; wherefore it became a law on the twenty-fifth day of April, A. D. eighteen hundred and forty-four, agreeably to the constitution of this commonwealth, in like manner as if he had signed it.

JOHN J. M'CAHEN,
Clerk of the Senate.

WILLIAM JACK,
Clerk of the House of Representatives.

HARRISBURG, April 26, 1844.

No. 379.

AN ACT

To annul the marriage contract of Paul Christian Pfeiffer, and Catharine Ritter, alias Catharine Brobson, of the county of Lebanon.

WHEREAS, Paul Christian Pfeiffer and Catharine Ritter were married in the county of Lebanon, on the day of Anno Domini, one thousand eight hundred and forty-three, at which time the said Catharine was the wife of ——— Brobson, who is still in full life; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Paul Christian Pfeiffer and Catharine Ritter, alias Catharine Brobson, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

We do certify that the bill, entitled "An Act to annul the marriage contract of Paul Christian Pfeiffer and Catharine Ritter, alias Catharine Brobson, of the county of Lebanon," was presented to the governor near the close of the session of one thousand eight hundred and forty-four, and was not returned within three days, (Sundays excepted,) after it had been presented to him; wherefore, it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,

Clerk of the House of Representatives.

E. S. GOODRICH,

Clerk of the Senate.

HARRISBURG, January 11, 1845.

No. 380.

A N A C T

To annul the marriage contract between Moses Wise and Martha, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Moses Wise and Martha Stage, of the county of Clearfield, or pretended marriage contract, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they never had been joined in marriage.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

We do certify that the bill, entitled "An Act to annul the marriage contract between Moses Wise and Martha, his wife," was presented to the governor near the close of the session of one thousand eight hundred and forty-four, and was not returned within three days (Sundays excepted,) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed.

WILLIAM JACK,
Clerk of the House of Representatives.

E. S. GOODRICH,
Clerk of the Senate.

HARRISBURG, January 11th, 1844.

No. 381.

A N A C T

To annul the marriage contract of Wilder Fisher and Dorcas Fisher.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into by Wilder Fisher, of the state of New York, and Dorcas Fisher, of the county of Crawford, in this commonwealth, be and the same is hereby declared null and void, and the

LAWS OF PENNSYLVANIA,

parties discharged from all obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

We do certify that the bill, entitled "An Act to annul the marriage contract of Wilder Fisher and Dorcas Fisher," was presented to the governor near the close of the session of one thousand eight hundred and forty-four, and was not returned within three days (Sundays excepted,) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.

E. S. GOODRICH,
Clerk of the Senate.

HARRISBURG, January 11th, 1845.

No. 382.

AN ACT

To annul the marriage contract of Mary Orr and Samuel Orr.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Mary Orr and Samuel Orr, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all legal duties and obligations arising therefrom, as if they had never been joined in marriage.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

We do certify, that the bill, entitled "An Act to annul the marriage contract of Mary Orr and Samuel Orr." was presented to the governor near the close of the session of one thousand eight hundred and forty-four, and was not returned within three days (Sundays excepted) after it had been presented to him; wherefore, it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.

E. S. GOODRICH,
Clerk of the Senate.

HARRISBURG, January 11th, 1845.

No. 383.

AN ACT

To annul the marriage contract between Edward Barnet and Isadore Barnet, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the marriage contract heretofore entered into between Edward Barnet and Isadore, his wife, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

We do certify, that the bill, entitled "An Act to annul the marriage contract between Edward Barnet and Isadore Barnet, his wife," was presented to the governor near the close of the session of one thousand eight hundred and forty-four, and was not returned within three days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,
Clerk of the House of Representatives.

E. S. GOODRICH,
Clerk of the Senate.

HARRISBURG, January 11th, 1845.

No. 384.

AN ACT

To annul the marriage contract of Nicholas Morgan and Mary, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Nicholas Morgan and Mary, his

LAWS OF PENNSYLVANIA, 1844.

wife, (late Mary Mahon,) be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, as fully and effectually as if they never had been joined in marriage.

JAMES ROSS SNOWDEN,

Speaker of the House of Representatives.

WILLIAM BIGLER,

Speaker of the Senate.

We do certify that the bill, entitled "An Act to annul the marriage contract of Nicholas Morgan and Mary, his wife," was presented to the governor near the close of the session of one thousand eight hundred and forty-four, and was not returned within three days (Sundays excepted) after it had been presented to him ; wherefore, it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

WILLIAM JACK,

Clerk of the House of Representatives.

E. S. GOODRICH,

Clerk of the Senate.

HARRISBURG, *January 11, 1845.*

L A W S

PASSED SESSION OF EIGHTEEN HUNDRED AND FORTY-FIVE.

No. 1.

A N A C T

To change the time of holding elections in the county of Tioga.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the time for holding the township elections in the county of Tioga, be and the same is hereby changed to the Friday preceding the third Monday in February, in each and every year, and any act hereby altered or supplied be and the same are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of January, one thousand eight hundred and forty-five.

DAVID R. PORTER.

No. 2.

A N A C T

To change the location of an alley in the city of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the street regulators of the city of Allegheny, under the direction of the mayor, be and they are hereby authorized and required to change the

Proviso.

location of Water alley in said city, to a point westwardly not exceeding one hundred feet: *Provided*, 'The owner or owners of the property through which said alley may pass, agree to the enlargement of the same in width to not less than sixteen feet, without any charge upon the corporation or individuals for the increased width.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The seventeenth day of January, one thousand eight hundred and forty-five.

DAVID R. PORTER.

No. 3.

A SUPPLEMENT

To the several acts incorporating the Schuylkill Valley navigation and railroad company.

Proviso.

Lateral roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, 'That the time specified for the completion of the second track of that portion of the new railway between Middleport and Tuscarora, be extended until the amount of coal passing over that section shall exceed one hundred thousand tons per annum: *Provided*, That nothing herein contained shall be so construed as to authorize any delay in completing a single track between the points aforesaid: *And provided further*, That said company may, with the consent of the owners of the land over which the same shall pass, construct a lateral road or roads, no one to exceed two miles in length, at any point or points on their said road, and may charge toll for the transportation of coal on said laterals at a rate not exceeding three cents per ton per mile.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-fourth day of January, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 4.

A SUPPLEMENT

To the act, entitled "An Act to provide for the erection of a house for the employment and support of the poor for the county of Lehigh."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the qualified citizens of Lehigh county, at the time and place of holding the usual elections for constable in the borough of Allentown, and the several townships in the said county of Lehigh, on the third Friday in March next, to vote for three citizens of said county for directors of the poor; and it shall be the duty of the judges and inspectors of the said several election districts to make out duplicate returns, setting forth the whole number of votes polled for each person so voted for, which said duplicates shall be transmitted to the clerk of the court of quarter sessions, in the same manner as the returns of the election of constable are now made; one whereof the said clerk shall file in his office, and the other he shall dispose of as provided in the second section of this act.

Election of directors of the poor.

Duty of judges and inspectors.

SECTION 2. It shall be the duty of said clerk to produce one of the said several duplicates in the court house of said county, on the Tuesday next succeeding said election, or as soon as the whole of said returns shall have been received—and there, in the presence of at least one of the associate judges of said court, he shall proceed to ascertain the number of votes polled for each candidate as aforesaid, and shall make out a certificate under his hand and seal of office, setting forth the names of the three persons who shall have received the highest number of votes, and certifying that they were duly elected; which said certificate being attested by said judge, the said clerk shall file in his office, and he shall forthwith give notice, in writing, to the said directors of their being elected; and shall also notify them to meet at the court house aforesaid, on the Friday next succeeding their election, at which time and place the said directors shall meet and proceed to divide themselves by lot, or otherwise, into three classes—the place of the first to become vacant on the first Monday in November next, the second on the first Monday in November, one thousand eight hundred and forty-six, and of the third on the first Monday in November, one thousand eight hundred and forty-seven—and the said directors shall immediately deliver to the said clerk of the court of quarter sessions a certificate of said classification, to be filed in his office.

Duty of clerk of quarter sessions.

Classification of directors.

SECTION 3. The said directors shall, on or before the tenth day of April next, furnish to the county commissioners of said county, estimates as ordained by the fourth section of the act to which this is supplementary; whereupon the said county commissioners shall proceed in all respects as directed by said act, and that so much of said act as is herein altered or superseded, be and the same is hereby repealed.

Estimates.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of January, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 5.

AN ACT

To incorporate the Mutual fire insurance company of Berks county.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Henry Schafer, John Deturk, Jacob Weiser, Isaac Bertolet, Daniel Snyder, John Herbein, David Kline, Gideon Hoch, William Knabb, Thomas Snyder, Joshua Hoch, Jacob H. Reiff and Thomas P. Lee, and such other persons as are or may be associated with them under the authority of this act, being citizens of Berks county, their successors or assigns are hereby made a corporation by the name of the "Mutual Fire Insurance Company of Berks county;" and they and their successors are hereby made a body politic and corporate in law, with all the legal incidents of a corporation aggregate: *Provided, That* they shall not have power to hold a greater amount of real estate than is necessary for the use of the corporation in the transaction of the business thereof, or such as shall be taken in security for, or in payment of debts, nor shall the yearly income thereof exceed two thousand dollars, nor shall any by-laws be repugnant to this act, the constitution of the United States, or this commonwealth.
- Corporators.**
- Managers.** **SECTION 2.** The power of this association shall be vested in thirteen managers, to be chosen by ballot, annually, on the first Monday of December, at the annual meeting of the company; each member being entitled to one vote; a majority of the managers shall constitute a quorum.
- Insurers.** **SECTION 3.** Each insurer in or with said company, shall be a member thereof during the term of his or her policy, and no longer.
- Annual meetings.** **SECTION 4.** That general meetings of this company shall be held annually on the first Monday of December, at some convenient place in said county, and also whenever called by the board of managers, or whenever requested by twenty members, and shall at such general meeting pass all by-laws, rules and regulations, necessary for the well government of the affairs of the corporation, or vest the power so to do in the board of managers; and all elections shall be by ballot, each member being entitled to one vote. Said election to be conducted by three judges chosen by the members present for that purpose, who shall certify under their hands the result of said election, and the same to be filed with the papers of the corporation. The managers for the time being, shall choose from among their own members, one to be president, and shall also from time to time, as it may be necessary, choose a treasurer, also appoint a secretary, and such other agents and officers as may be necessary, and fix their respective fees and salaries, and require such bonds for the faithful discharge of the duties assigned, as may be deemed necessary or the interest of the company may require; and shall have full power to suspend, remove or displace, any such officer or agent of the company, and supply any such vacancy which may happen by death, removal or resignation, from among their own members until the
- Name, powers, &c.**
- By-laws.**
- Votes.**
- Officers and agents.**

next election, and they shall at the annual meeting of the members, present to the company a general statement of its affairs.

SECTION 5. The president and managers shall have full power, on *Insurances.* behalf of said corporation, to make insurance against losses by fire on any house, tenement, manufactory, barn, or other buildings and goods, wares, merchandize and effects, and household furniture therein, and on hay, grain and agricultural products in barns, stacks or otherwise, and generally on all kinds of goods, wares, merchandize and effects, (except books of accounts, bills, bonds, ready money, jewels, plate, paintings, engravings, powder mills, and cotton manufactories,) to make, execute and perfect such and so many contracts, bargains, agreements, policies, and other instruments as shall or may be necessary, and as the nature of the case shall or may require and every such contract, agreement and policy to be made by the said corporation, shall be signed by the president and attested and signed by the secretary, and also shall be signed by the party insured. And the president and managers are hereby empowered to have made and procure a seal with such device as they may deem proper to be used by them as the common official Seal. seal of the company: *Provided,* That no insurance shall be made or *Proviso.* effected on any property situate, or being in any city or borough.

SECTION 6. It shall be lawful for said company to employ and invest *Moneys, how in-* all money received by them, and the profits thereof, in the purchase of *vested.* any ground rents or mortgages, or in any loans on good and sufficient security, and no money shall be drawn from the funds of said company for the purpose of making dividends or dividing profits, nor for other purposes than first, to defray the current or incidental charges of the corporation, and then for the purpose of such damages as any member of said company or insurer may be justly entitled to; and when the just demand of any insurer in said company or member thereof, shall exceed the amount of its available funds on hand, such sums as shall be necessary to pay the same, shall, without unnecessary delay, be assessed *Assessment and* by any three of the board of managers appointed by the president, on *payment of dam-* the insurance, each member to pay in proportion to the amount they *age.* have insured, and publish the same, and all and every of the members of the company shall pay into the hands of the treasurer his, her or their proportionable part of such rates within forty days after such publication as aforesaid; and in default of such payment he, she or they and every of them, making such default therein, shall forfeit and pay double the said rates, and neglecting to pay the said forfeiture for fifty days more, may, by the managers for the time being, be excluded and debarred from any benefit or advantage from his, her or their insurance respectively, and all right to the stock of this company, and shall, notwithstanding, be liable to said rates pursuant to his, her or their covenants and agreements.

SECTION 7. All and every of the members of this company, who *Loss, how ascer-* shall sustain any loss by fire, shall give immediate notice to the presi- *tained.* dent of the company, who shall appoint a committee of three members of the company, who shall examine and enquire into the same, and the said committee, with all convenient expedition, shall enquire into the same, and after ascertaining the sum which said parties shall be lawfully entitled to, report the same to the board of managers, who shall make provision and payment as herein specified.

SECTION 8. The members shall at their general meeting fix such *Rates of insu-* rates of insurance and incidental charges and fees, as may be deemed *rance, &c.* equitable and proper, or vest the power so to do in the board of managers; and any person who shall become a member of this corporation

by effecting insurance therein, shall, the first time he effects insurance, and before he or she receives his or her policy, pay the rates that shall be fixed and determined upon, and no premium so paid shall ever be withdrawn from said company during the continuance of its charter.

Assignment of policy.

SECTION 9. That in case any assured named in any policy or contract of insurance made by the said corporation, shall sell, convey, or assign the subject insured, it shall be lawful for such assured, to assign and deliver to the purchaser such policy or contract of insurance, and such assignee shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit in his or her own name: *Provided*, That before any loss happens, he or she shall obtain the consent of the president or secretary to such assignment, and have the same endorsed on or annexed to such policy or contract of insurance, to be according to the aforesaid directions for that purpose and not otherwise.

Proviso.

Profits.

SECTION 10. That the net profits arising from interest or otherwise shall be ascertained yearly, to every member in proportion to his, her or their deposits, for which each member shall have a credit in the company's book; nothing in this charter to be construed as to allow any of the funds of the association to be used for banking or manufacturing purposes.

Repeal.

SECTION 11. If at any time it shall appear that the chartered privileges hereby granted, are injurious to the public welfare, the power thereof to repeal shall not affect any engagement to which the said company may have become a party previously thereto, and that the said company shall have a reasonable time to bring their accounts to final settlement.

Organization.

SECTION 12. The first thirteen named persons in this bill, shall constitute the first board of managers, with power to organize the corporation and appoint a president and other officers and agents, agreeable to the spirit of this act, and to hold their power and authority until the next election, as is herein provided, with all the powers contemplated to be vested in the board of managers elected by the company under the authority of this act.

Policies, when issued.

SECTION 13. No policy shall be issued by the corporation until application be made for insurance to the amount of at least one hundred thousand dollars.

Suits at law.

SECTION 14. Suits at law may be prosecuted and maintained by any member against said corporation for losses or damage insured against by them, if payment is withheld more than sixty days after the company is duly notified of such losses; and no member of the company, not being in his individual capacity a party to such suit or suits, shall be incompetent as a witness, on account of his being a member of the company: *Provided*, The managers do not agree to rebuild or replace the property lost or damaged, in which case a reasonable time shall be allowed them.

By-laws.

SECTION 15. Any amendment or alteration may be made to the by-laws at any general meeting, by a majority of the whole association: *Provided*, The same is not repugnant to the constitution of this commonwealth or the United States.

Transactions permitted.

SECTION 16. This corporation shall transact its business within the limits of Berks county.

SECTION 17. This act shall take effect immediately after its passage, Duration of char- and shall continue in force for twenty years, but the legislature of this ter. commonwealth may at any time alter, modify or annul its provisions, without doing injustice to the corporation.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of January, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 6.

A FURTHER SUPPLEMENT

To "An Act to authorize the governor to incorporate a company to make a lock navigation on the river Monongahela."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the eighth section of the act, entitled "An Act to authorize the governor to incorporate a company to make a lock navigation on the river Monongahela," approved the thirty-first day of March, one thousand eight hundred and thirty-six, which authorizes the use and occupancy of ground and materials, for the purpose of constructing said navigation, shall be so construed as to include sufficient ground at each lock, for the purpose of erecting thereon a lock house, to be occupied by the lock-keeper and his hands: *Provided,* That not more than half an acre shall be taken at any lock for this purpose, the value of said ground to be assessed as provided for in the aforesaid act and supplement thereto, approved the twenty-fourth day of June, one thousand eight hundred and thirty-nine; and the said company is further required, in accordance with the direction of the fourth section of the seventh article of the constitution of Pennsylvania, to make compensation to the owners of said property, or give adequate security therefor, before such property shall be taken under the provisions of this act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of January, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 7.

AN ACT

To suspend the payment of the principal of domestic creditors' certificates.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by authority of the same,* That all further payment under the provisions of an appropriation for the payment of the domestic creditors' certificates issued by the auditor general, contained in the fifth section of "An Act to provide for the ordinary expenses of government, repairs of the canals and railroads of the state, and other claims upon the commonwealth," approved May thirty-first, one thousand eight hundred and forty-four, be and the same is hereby suspended until an amount sufficient shall be secured and set aside to pay the interest upon the funded debt of the commonwealth, falling due on the first day of February, one thousand eight hundred and forty-five: *Provided,* That nothing contained in this act shall be construed to interfere with the appropriation made for the payment of interest on the said certificates.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The thirty-first day of January, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 8.

A SUPPLEMENT

To an act, entitled "An Act regulating election districts," approved March ninth, one thousand eight hundred and forty-four.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the fiftieth section of the act, passed the ninth day of March, one thousand eight hundred and forty-four, entitled "An Act regulating election districts," providing for the election of two justices of the peace in the borough of Manayunk, in the county of Philadelphia, be hereby so altered, as to allow the qualified voters of said borough to elect said

Election of justices of the peace
Manayunk.

justices of the peace at their borough election, in the year one thousand eight hundred and forty-five, and in accordance with the provisions of said fiftieth section.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of January, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 9.

AN ACT

Appropriating money to the payment of the interest on the public debt of Pennsylvania falling due on the first of February, one thousand eight hundred and forty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sum of eight hundred and seventy-three thousand five hundred and six—\$873,516 06, teen dollars and six cents, be and the same is hereby appropriated to appropriated. the payment of the interest on the public debt of the commonwealth, which will fall due on the first day of February, one thousand eight hundred and forty-five, exclusive of interest on all certificates of loan issued for the payment of interest : *Provided,* That the payments *Proviso.* hereby authorized shall be made in such funds as may be in the treasury, and such portion of said funds as may not be at par in the city of Philadelphia, shall be paid in proportion to the several amounts due for interest provided for by this act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of January, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 10.

AN ACT

To change the venue of certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a

Commonwealth
vs. W. H. Win-
der and John
Rice, removed
from Lehigh to
Lancaster county

Northampton
Bank vs. W. H.
Winder, remo-
ved to Lancaster
county.

Trial, &c.

Record.

Costs and ex-
penses.

Writ of error.

Proviso.

Lehigh county, against William H. Winder and John Rice, for a conspiracy, be and the same is hereby removed to the court of quarter sessions of Lancaster county; and that three actions brought to December term of eighteen hundred and forty-four, numbers fifteen, sixteen and seventeen, in the court of common pleas of Lehigh county, against said William H. Winder, in which the Northampton Bank is plaintiff, be and the same are also removed to the common pleas of Lancaster county for trial by juries of Lancaster county aforesaid; and that the president judge of the second judicial district be and he is authorized to proceed to trial, verdict and judgment, in the said indictment and actions before the said president, and one or more of the associate judges of the said Lancaster county, as the said courts in Lehigh county in which the same are now pending, could or might do; and that the said president judge of the said second judicial district may make all necessary orders and appointments for further proceedings in and trying the same, and that no further proceedings be had in any of the said cases by arbitration or otherwise in Lehigh county, and the costs heretofore incurred, shall abide the event of the said suits. And the record in said indictment and actions, shall be duly certified by the prothonotary and clerk of the quarter sessions of the county of Lehigh, to the said court of common pleas and of quarter sessions of the said county of Lancaster: *Provided*, That the county of Lancaster shall not be subjected to any costs or expense in consequence of or by reason of the transfer and removal of the aforesaid indictment and actions; but the same or any part thereof, which would otherwise fall on the county of Lancaster, shall be paid by the commissioners of Lehigh county, on the orders of the commissioners of the said county of Lancaster: *And provided also*, That the said final judgments shall be subject to writs of error, as in other cases, to the supreme court; and in case the same or any of them shall be reversed, and a venire facias de novo awarded, the same shall again be transferred and re-tried in Lancaster county, in the same manner as is hereinbefore provided: *Provided*, That the costs which the said county of Lancaster shall be legally subjected to, in consequence of the removal of said causes, shall be refunded by the county of Lehigh as aforesaid, and the party or parties requesting the removal of the said causes shall, before removing the same, give security in such sum or sums, as the court of Lehigh county may direct, conditioned for the payment of all costs of suit, in case of conviction and judgment against the party applying for the removal of such suit or suits.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The third day of February, A. D. one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 11.

A N A C T

To provide for the redemption of the over-issue of relief notes by the Berks County Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and is hereby authorized and directed to charge Elijah Dechert, president of the Berks County Bank, with twenty-eight thousand five hundred and one dollars, the residue of the over-issue of said bank, and to receive from Elijah Dechert for the use of the commonwealth, all the securities of every kind particularly mentioned and set forth in his memorial to the legislature, amounting together to the sum of twenty-seven thousand and six hundred and twenty-five dollars, exclusive of a certificate of state stock already transferred by said bank to the state treasurer for the use of the commonwealth, amounting to sixteen hundred and seventy-five dollars, and of eight hundred and twenty-four dollars of relief bills, heretofore redeemed by said bank at the state treasury, and destroyed by the treasurer; and the state treasurer on the transfer to him of the securities aforesaid, for the use aforesaid, shall collect or cause to be collected at the expense of the said Elijah Dechert, the amount due on such securities, or so much thereof as can be recovered, and convert the money arising from the same into five per cent. state stock, and apply the stock so purchased, at the par value thereof, to the credit of the said Elijah Dechert, and the said treasurer shall receive said residue of over-issues in payment of all moneys due the commonwealth, and shall keep an accurate account of the amount thereof so received, and shall not re-issue, but shall retain the same until said residue of said over-issue shall have been redeemed, when it shall be the duty of the state treasurer and auditor general to cancel and destroy the same, and make a record thereof in the manner directed by law for the cancellation of other relief notes.

Certain securities transferred to the state.

Duty of state treasurer.

Cancellation.

SECTION 2. That it shall be the duty of the state treasurer, and he is hereby required to take from Elijah Dechert his bond, which the said Elijah Dechert proposes to give in a sufficient sum, payable in five years from the passage of this act, conditioned to pay to the commonwealth such sum as shall be necessary for the redemption of such relief notes issued by the Berks County Bank, as shall not be paid out of the securities transferred to the state treasurer for that purpose, in pursuance of the first section of this act.

Bond.

JAMES ROSS SNOWDEN,
Speaker of the House of Representatives.

WILLIAM BIGLER,
Speaker of the Senate.

I do certify that the bill, entitled "An Act to provide for the redemption of the over-issue of relief notes by the Berks County Bank," which has been disapproved by the governor, and returned with his objections to the House of Representatives, in which it originated, was passed by two-thirds of the House of Representatives, on the twenty-fourth

LAWS OF PENNSYLVANIA,

day of January, one thousand eight hundred and forty-five, and that the foregoing is the act so passed by the said House.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM JACK,
Clerk of the House of Representatives.

I do certify that the bill, entitled "An Act to provide for the redemption of the over-issue of relief notes by the Berks County Bank," which has been disapproved by the governor, and returned with his objections to the House of Representatives, in which it originated, was approved by two-thirds of the Senate, on the twenty-ninth day of January, eighteen hundred and forty-five, and that the foregoing is the act so approved by the said Senate.

WILLIAM P. WILCOX,
Speaker of the Senate.

E. S. GOODRICH,
Clerk of the Senate.

No. 12.

A FURTHER SUPPLEMENT

To the act, entitled "An Act to incorporate the Insurance company of North America."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the insurance company of North America be and they are hereby authorized to increase the number of directors of the said company to twenty.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 13.

AN ACT

To change the time fixed for holding the November, December and March courts, in the seventeenth district.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in lieu of the times now fixed by law for holding the courts in Beaver, Courts in Beaver, Butler and Mercer, for the November, December, and March terms, Butler and Mercer, the term at Beaver shall commence on the third Monday of November cer. and continue two weeks, if necessary, and on the third Monday of March; in Butler, on the first Monday in December and on the fourth Monday in March; and in Mercer the second Monday of December and the first Monday of April; and all writs, rules, recognizances, orders and decrees made returnable in said courts to the terms as heretofore fixed by law shall be considered as extended, continued and returnable to the terms as fixed by this act.

SECTION 2. That the words "in the same manner as provided by law in case of special courts," as contained in the fourth section of an act for the removal of causes from the district court of the counties of Erie, Crawford, Mercer, Venango and Warren, to the courts of common pleas, passed twenty-fifth of April, eighteen hundred and forty-four, shall not be so construed as to require sixty days notice of the time of trial, nor to require the assistance of an associate judge in the trial of any of the cases contemplated in said section; and the verdict of any jury sworn in the cause before the expiration of the existence of said court, and the judgment thereon, shall be valid, although the same may be rendered after the expiration of the time limited for the existence of said court.

SECTION 3. That in lieu of the time now fixed by law for holding the August term of the several courts in Washington county, the time of commencing the courts in Washington hereafter, shall be on the fourth Monday of August in each and every year, and continue for one week only. Courts in Washington county.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 14.

AN ACT

Authorizing the administrators of Daniel Fisher to make a deed for certain real estate.

Preamble.

WHEREAS, Daniel Fisher, late of Oley township, Berks county, deceased, in his life time sold to Daniel A. Bertolet, of the same place, a small piece of land, situate in the township and county aforesaid, bounded by lands of Peter Nagle, Samuel D. Knabb, and other lands of Daniel Fisher, deceased, containing one hundred and six perches or thereabouts, and received the purchase money for the same, but never executed a deed to said Daniel A. Bertolet: *And whereas*, The said Daniel A. Bertolet also died, and his administrators, by virtue of a decree of the orphans' court of Berks county, sold his real estate for the payment of his, the said deceased, debts, among other real estate, sold the foregoing described piece of land to Samuel D. Knabb, and received the purchase money for the same: 'Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for George Gernant and John Herbine, administrators of Daniel Fisher, deceased, or either of them, to execute, acknowledge and deliver to Samuel D. Knabb, a deed conveying a piece of land situate in Oley township, Berks county, bounded by lands of Peter Nagle, Samuel D. Knabb and Daniel Fisher, deceased, containing one hundred and six perches or thereabouts, with the appurtenances: *Provided*, That all costs and charges shall be paid by said Samuel D. Knabb.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The eleventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 15.

AN ACT

To repeal so much of an act, entitled "An Act concerning road views and road damages in Berks, Lancaster and Bucks counties," as relates to Lancaster county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of an act, entitled "An Act concerning road views and road damages in Berks, Lancaster and Bucks counties," passed thirteenth day of March, Anno Domini one thousand eight hundred and forty-four, as relates to Lancaster county, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 16.

AN ACT

Authorizing the inhabitants of Big Beaver township, Beaver county, to elect four supervisors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall and may be lawful for the electors of Big Beaver township, Beaver county, to elect annually at their usual place of electing township officers, four qualified citizens for supervisors of the roads subject to the same rules and regulations by which supervisors are now by law regulated.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 17.

AN ACT

Authorizing the commissioners of Cumberland and Perry counties to pay a certain amount of money to the supervisors of Mifflin and Jackson townships, in said counties.

Commissioners of Cumberland co. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the commissioners of Cumberland county be and they are hereby authorized and required to pay to the supervisors of the roads of Mifflin township, (who shall be elected at the next township election,) the sum of four hundred dollars out of the county funds, to be applied by said supervisors to the construction of a road lately laid out from M'Cormick's mill, in said township, to the Perry county line, on the top of the mountain.

Commissioners of Perry county. SECTION 2. That the commissioners of Perry county be and they are hereby required to pay to the supervisors of the roads of Jackson township, who shall be elected at the next township election, the sum of two hundred and fifty dollars out of the county treasury, to be applied by said supervisors to the construction of a road lately laid out from M'Farland's tannery, in said township, to the Cumberland county line, on the top of the mountain.

Bond. SECTION 3. The aforesaid supervisors shall give to the commonwealth a bond with one or more sufficient sureties, to be approved of by the judges of the court of quarter sessions of their respective counties, for the faithful application of the aforesaid sums of money as directed by this act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 18.

AN ACT

Relative to roads in certain townships in the county of Delaware.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An Act granting certain powers to the authorities of the cities of Lancaster and Philadelphia, and for other purposes," approved the sixteenth day of April, one thousand eight hundred and thirty-eight, and the supplement thereto, approved the eleventh day of March, one thousand eight hundred and forty-two, relative to roads in Delaware county, be and the same are hereby repealed so far as said acts relate to the townships of Ridley and Thornbury, in the county of Delaware.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 19.

AN ACT

Supplementary to "An Act to incorporate sundry Baptist churches in Chester, Montgomery and Philadelphia counties, called the Central Union Association of Independent or Congregational Baptist churches."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the second section of an act passed the twenty-third day of May, A. D. one thousand eight hundred and forty-four, entitled "An Act to incorporate sundry Baptist churches in Chester, Montgomery and Philadelphia counties, called the Central Union association of Independent or Congregational Baptist churches," as relates to the time for the election of a board of trustees for the management of the affairs of said corporation, be and the same is hereby repealed, and said trustees shall be elected in the manner provided in the said section on the Wednesday succeeding the last Tuesday in May of every year. Election of trustees.

Former election
not to void char-
ter.

SECTION 2. That the failure to elect trustees at the last annual meeting of said association, shall not be construed so as to render said act of incorporation inoperative and void, but said corporation shall have power to elect trustees, under said act of incorporation, at the next annual meeting of the association, and so on from year to year, agreeably to the directions of the second section of this act; and in case of the failure to elect trustees on the day fixed by law, the corporation shall not, on that account, be dissolved, but the election shall be holden on some other day which a majority of the trustees may appoint.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 20.

AN ACT

To confer on Mary Ann Brubaker the rights and privileges of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Mary Ann Brubaker, of Manheim township, Lancaster county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if she had been born in lawful wedlock.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 21.

A N A C T

To annul the marriage contract of Albert G. Emerick and Elizabeth L. Emerick.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Albert G. Emerick and Elizabeth L. Emerick, of the city of Philadelphia, be and the same is hereby annulled and made void, and the parties are hereby released and discharged from the said contract, and from all legal duties and obligations arising therefrom, as fully, effectually and absolutely as if they never had been joined in marriage.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 22.

A N A C T

Relating to road and bridge viewers in the counties of Clearfield, Greene, Washington and Fayette.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sixteenth section only, of the act of seventh May, one thousand eight hundred and forty-four, entitled "An Act relative to roads and bridges in the counties of Crawford, Clearfield and Greene," shall apply to the counties of Clearfield and Greene; and the provisions of the said sixteenth section, not already in force, are hereby extended to the counties of Fayette and Washington.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 23.

A FURTHER SUPPLEMENT

To an act, entitled "An Act to authorize the governor to incorporate a company to make a lock navigation on the river Schuylkill," passed the eighth day of March, one thousand eight hundred and fifteen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this further supplement, the president, managers and company of the Schuylkill navigation company shall have power to build, or procure to be built, and to own boats for the transportation of freight upon their navigation, and to sell or rent such boats to individuals.

Boats.

SECTION 2. That they shall also have power, in like manner, to build, or procure to be built, and to own cars for the transportation of freight upon railroads to or from the said navigation, and to sell or rent such cars to individuals: *Provided, however,* That neither upon the railroads nor upon their navigation, shall the said company become themselves transporters: *And provided further,* That nothing herein contained shall be so construed as to authorize the said company to establish their own boat yards and work shops for any purpose whatever connected with the building of boats or railroad cars as aforesaid.

Cars.

Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 24.

AN ACT

To incorporate the Harrisburg cemetery association.

Preamble.

WHEREAS, The persons hereinafter named have entered into an agreement to purchase a piece of land in the vicinity of Harrisburg, containing about twelve acres, for the purpose of converting the same into a cemetery; and as they are desirous that they and their successors may be incorporated for the purpose of establishing and perpetuating such cemetery; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by authority of the same,* That Henry Walters, John Roberts, Henry Buehler, Herman Alricks, Luther Reily, Hamilton Alricks, James Peacock, Valentine Hummel, John C. Bucher, William Dock, and James M'Cormick, and their successors, be and they are hereby created a body politic and corporate in law, by the name, style and title of the "Harrisburg Cemetery Association," and by that Name. name shall have perpetual succession and be able to sue and be sued in any court of law or equity; and may have and use a common seal, and the same, at their pleasure, to alter or renew; and shall have power to purchase, have, hold and enjoy to them and their successors, the said piece of land, with such other real estate as they may require for the purpose of establishing said cemetery: *Provided,* That the whole quantity of real estate to be held by them as a corporation, shall not exceed twenty acres; and the said corporation shall have authority to receive gifts or bequests, for the purpose of ornamenting or improving said cemetery, and to hold such personal property as may be necessary to carry out the object of this act.

SECTION 2. That the affairs of said corporation shall be conducted by a president and five managers, who shall be elected by a majority of the votes of the members of the corporation, on the first Monday of June in each and every year; and in case no election shall be held at the time aforesaid, the officers of the preceding year shall continue in office until an election shall be held. The said president and managers shall fill all vacancies which may occur in their own body, and shall have power to lay out and ornament the grounds purchased for said cemetery, to erect such buildings thereon as may be necessary for the enjoyment of the same, to lay out, sell and dispose of burial lots, to appoint all necessary officers, and fix their several duties and compensation, and to make such by-laws, rules and regulations as they may deem proper for conducting the affairs of the corporation, for the government of lot holders and visitors to the cemetery, and for the transfer of lots and the evidence thereof.

SECTION 3. That no streets or roads shall hereafter be opened through the lands of said corporation, except by and with the consent of the said president and managers, and that any person who shall wilfully destroy, mutilate, deface, injure, or remove any tomb, monument, grave-stone, or other structure placed in the cemetery aforesaid, or any fence, railing, or other work, for the protection or ornament of said cemetery, or of any tomb, monument, grave-stone, or other structure placed therein as aforesaid, or shall wilfully destroy, cut, break, or remove any tree, shrub, or plant, within the limits of said cemetery, or shall shoot or discharge any gun or other fire arms within said limits, shall be deemed guilty of a misdemeanor; and shall upon conviction thereof, before any justice of the peace of the county of Dauphin, be punished by a fine at the discretion of the justice, according to the aggravation of the offence, of not less than five nor more than fifty dollars; or shall on conviction thereof, in the court of quarter sessions of said county, be punished by fine as aforesaid, and by imprisonment, according to the aggravation of the offence, at the discretion of the court.

SECTION 4. That every lot conveyed in said cemetery, shall be held by the proprietor for the purpose of sepulture alone, transferable with the consent of the president and managers, and shall not be subject to attachment or execution, and that the said cemetery shall hereafter be forever exempted from taxation.

Members.

Vote.

Proviso.

SECTION 5. That as soon as the money received from the sale of lots in said cemetery, shall be sufficient to pay the purchase money expended by the persons hereby incorporated with interest, and the expenses that shall have been incurred by them in laying out, enclosing and improving the grounds, then each lot-holder shall become a member of the corporation, and have a right to vote for the officers thereof; and at all elections held thereafter under this act, each member of the corporation shall be entitled to one vote, and no more: *Provided*, That all the money raised thereafter from the sale of lots shall be expended in improving, repairing and maintaining said cemetery: *And provided also*, That until an election shall be held under the provisions of this act, the persons hereby incorporated shall be managers of the corporation.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 25.

AN ACT

In addition to an act passed nineteenth day of March, eighteen hundred and sixteen, entitled "An Act assenting to a purchase made by the United States of a piece of land near Pittsburg."

Lands purchased
from A. Fisk and
A. Dravo, Pitts-
burg, vested in
United States.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the assent of the legislature of the commonwealth of Pennsylvania is hereby granted to a purchase made by the United States, of certain land from Alba Fisk and wife, on the thirteenth day of May, eighteen hundred and thirty-one; and also to the purchase of certain other land from Anthony Dravo and wife, on the eighth day of June, eighteen hundred and thirty-three; and also to the purchase of certain other land from Alba Fisk and wife, on the sixth day of June, eighteen hundred and thirty-seven; all of which pieces of land are included within the boundaries of the United States arsenal near Pittsburg, and adjoining the piece described in the act to which this is an addition, and containing about eight acres, according to the boundaries described in the deeds of the purchase above mentioned, and under the like terms and conditions as are prescribed in the act to which this is an addition.

Future purchases
vested in U. S.

SECTION 2. That if at any time hereafter any further or additional quantity of land shall be purchased by the United States for the use of

said arsenal, this act shall be construed to vest in the United States jurisdiction over the same to the same extent as it is vested by this act over the pieces above described.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 26.

A N A C T

Entitled "An Act granting certain powers to the school directors of Nottingham township school district, Washington county."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the school directors of Nottingham township school district, in the county of Washington, or their successors in office, may and are hereby authorized to remove school house number four, in said district, to such place as they, the said directors, may deem most convenient to the said township, with like power to remove any other school house in said district when the circumstances of the case may require it.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—February fourteenth, A. D. one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 27.

A N A C T

Relating to the selection of jurors in the county of Mifflin.

Preamble.

WHEREAS, The commissioners of Mifflin county, previous to making a selection of jurors to be placed in the wheel, for the year one thousand eight hundred and forty-five, omitted to take the oath required by the eighty-seventh section of the act of the fourteenth April, one thousand eight hundred and thirty-four, relative to the organization of courts of justice: *And whereas*, The courts of said county have been adjourned to the twenty-fourth day of March next, in consequence of which no order of court can be procured to make selection of jurors in time for said adjourned court, or for the regular terms of the courts in said county, which commences on the first Monday of April next, which will greatly delay the business of said county: For remedy whereof,

A new selection
of jurors authori-
zed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the sheriff and commissioners of said county of Mifflin be and they are hereby authorized to make a new selection of persons, and deposite their names in the wheel for the remains of the current year, upon the order of any two of the judges of said courts, as provided for by the ninety-second section of the said act, in the same manner as if said order were made by the court when in session, or the names being exhausted in said wheel.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—February fourteenth, A. D. one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 28.

AN ACT

To excuse the volunteer corps of Union Fencibles from parading for inspection on the thirtieth of September, one thousand eight hundred and forty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the volunteer corps of Union Fencibles, attached to the first regiment of volunteer infantry of the first brigade, first division, P. M., be excused for not appearing on parade for inspection on the thirtieth of September, A. D. one thousand eight hundred and forty-four, as well as from all penalties therefor; and that said corps, and officers thereof, shall retain the same rank they had before said inspection, and occupy the same position in said regiment.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED.—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 29.

AN ACT

Relating to the estate of Mary Painter, late of the county of Philadelphia, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the judges of the orphans' court, for the county of Philadelphia, be and they are hereby authorized, upon application of the executor of Mary Painter, deceased, and the widow and children of Nicholas Painter, deceased, made in writing to the said court, to order the sale of certain certificates of county stock, which said executor received from the county of Philadelphia, in payment for certain land late of said testatrix, taken by said county for public purposes, and now holds under the trusts of the will of said Mary Painter, and to authorize him to invest the proceeds of the sale of said certificates in the erection of a dwelling house on the land of said Mary, under such restrictions as the said court may deem most proper to effectuate the will of the said

Sale of certain
certificates of
stock authorized.

Bond.

testatrix, and promote the interest of the said heirs and legal representatives: *Provided*, That before the court shall order a sale of said certificates, the executor of said Mary shall execute a bond to the commonwealth, for the use of all persons interested, in such amount as the court shall direct, with sufficient security, to be approved by the court, conditioned for the faithful application of the proceeds of said sale.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 30.

AN ACT

To enable the executors of Andrew M'Cauley, deceased, to sell and convey certain real estate.

Conveyances.

Proceeds invested.

Interest, &c., to whom paid.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That James Harper and John Leeper, executors of the last will and testament of Andrew M'Cauley, late of Beaver county, deceased, be and they are hereby authorized to sell either at public or private sale, and convey in fee simple all the right, title and interest of the said Andrew M'Cauley, deceased, at the time of his death, of, in and to any lands, tenements and hereditaments, situate within the said county of Beaver; and to make and execute to the purchaser or purchasers thereof, good and sufficient conveyances and assurances in law for the same, which said conveyances and assurances shall vest in such purchaser or purchasers, all the right, title and interest in law and equity, which the said Andrew M'Cauley at, and immediately before his death had and held in the same, as fully and completely and with like effect as if the said conveyances and assurances had been made and executed by the said Andrew M'Cauley in his lifetime; and the moneys arising from such sale shall be safely loaned by the said executors, except so much thereof as may be necessary to pay the several bequests to Rachael M'Cauley and Andrew Purdy, mentioned in the will of said Andrew M'Cauley, deceased, and the interest arising from the proceeds of such sale, not thus appropriated to said Rachael M'Cauley and Andrew Purdy, shall annually be paid over by said executors, as follows, to wit: To Isaac Miller, legatee in said will, if not already otherwise provided for, twenty dollars per annum during his lifetime, and the balance to Agnes M'Cauley during her life: *Provided*, That before executing and delivering any conveyance for said real estate, said executors shall give security, to be approved by the orphans' court of Beaver county, in such amount as said court may direct,

conditioned for the safe investment of the proceeds of said real estate, and the faithful application of the interest arising therefrom, to the widow of said deceased, and said Isaac Miller, as aforesaid, and for the payment of the principal after the decease of said widow, as directed by the will of said Andrew M'Cauley, deceased, or to those entitled to it by the laws of the commonwealth.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 31.

A N A C T

Authorizing the governor to incorporate the Perkiomen and Sumneytown turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of making a turnpike road, beginning at the Perkiomen and Reading turnpike road, at any convenient point between the Perkiomen bridge and the first toll gate on the said last named road, in the township of Upper Providence, in the county of Montgomery, and thence to Sumneytown, in the township of Marlborough, in said county, Daniel Jacoby, John M. Neilson, John Steiner, Henry Longaker, Henry Ziegler, Jacob K. Smyth, Jonas Hildebeitel, William Schall, Jacob Johnson, jr., George Poley, William Worrell, Aaron Schivenk, Joseph Hunsicker, Jesse Ziegler, William Johnson, Lewis Horning, Abraham Hendricks, Jonas Boyes, John Roudenbush, and George K. Ritter, be and they are hereby appointed commissioners to do and perform the duties herein mentioned, that is to say: They shall procure a book, or books, and therein enter as follows: "We, whose names who are hereunto subscribed, do promise to pay the president and managers of the Perkiomen and Sumneytown turnpike road company, the sum of fifty dollars for every share of stock by us subscribed, in such manner and proportions, and at such times and places, as shall be determined on by the said president and managers, in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the Perkiomen and Sumneytown turnpike road company.' Witness our hands, the day of Anno Domini one thousand eight hundred and ;" and shall give at least thirty days notice in two newspapers published in Norristown, and one published in Sumneytown, of the time and place, when and where the said books shall be opened to receive subscriptions of stock of the said company; at which time and place two or more of said commissioners shall attend and receive

subscriptions from all persons of lawful age, who, in person or by attorney, shall offer to subscribe in said books, which shall be kept open for the purpose aforesaid, at least six hours in each juridical day, for the space of six days, or until the books shall have subscribed therein seven hundred shares; and the said commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares shall be subscribed—of which adjournment and transfer the said commissioners shall give such notice as they may deem necessary: *Provided always*, That every person offering to subscribe in the said book, in his own name, or in any other name, shall previously pay to the attending commissioners, the sum of two dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized, and the officers chosen, as hereinafter provided.

Proviso.

Letters patent.

Name.

SECTION 2. That when forty persons or more shall have subscribed three hundred or more shares of the said stock, the said commissioners, or a majority of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the governor; and thereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the subscribers into one body politic and corporate, in deed and in law, by the name, style and title of “the Perkiomen and Sumneytown turnpike road company;” and by the said name the said subscribers and their assignees shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, or of any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Notice of organization.

SECTION 3. That the commissioners above named, as soon as conveniently may be after the said letters patent shall be issued, shall give two weeks notice in the newspapers published at Norristown, and one published at Sumneytown, of the time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers by ballot, to be delivered in person or by proxy duly authorized, one president, twelve managers, one treasurer, who are stockholders, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be chosen, who shall and may make such by laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States or of this state, as shall be necessary for the well ordering the affairs of the said company; they may make and have one common seal, and the same alter or renew at their pleasure; and in case of the death, removal or resignation of the president or any manager, or other officer of the company, the board of managers may and shall choose another to fill the vacancy until the next annual

By-laws.

Seal.

election of said company: *Provided always*, That each stockholder ^{Proviso.} shall be entitled to one vote for every share of stock held by him or her not exceeding five shares, at any election or meeting of the stockholders, but no stockholder shall be entitled to vote at any election or ^{Votes.} meeting of said company, unless the instalments due and payable on the shares held by him or her shall have been fully paid and discharged.

SECTION 4. If any treasurer, elected by virtue of this act, shall die, ^{Treasurer.} resign or refuse to act, or shall neglect to give security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all duties of said office, it shall be the duty of the said managers for the time being to appoint some suitable person treasurer, who shall hold the office until the next election by the stockholders, on his giving the security which may be required by the managers, and until a successor shall be duly elected and qualified.

SECTION 5. The stockholders of the company shall meet on the ^{Meetings.} first Monday in December next following their organization, and on the first Monday in December of every year thereafter, at such place as shall be fixed by the by-laws, for the purpose of choosing managers and officers for the ensuing year, in manner aforesaid, and at such other times as they shall be notified by the managers in such manner as shall be prescribed by the by-laws; at which annual and special meetings they shall have full power and authority to make, alter or repeal such by-laws, rules, orders and regulations as may be necessary for managing the affairs of the company, and to do and perform any other corporate act.

SECTION 6. The president and managers shall procure certificates, to ^{Certificates of} be written or printed, and, upon the payment of the instalments due ^{stock.} thereon, shall deliver one certificate, signed by the president and countersigned by the treasurer, and attested by the seal of the corporation, to each stockholder, for the number of shares held by him or her, which certificate shall be transferable at his, or her, or their pleasure, in person or by attorney, duly authorized, in presence of the president or treasurer, on the book or books of the company, subject, however, to the payment of all instalments due and to become due thereon; and such transferee thenceforth shall be a member of the corporation.

SECTION 7. The president and managers shall meet at such times and places to transact the business of the company, and in such manner as shall be ordained by the by-laws; and seven members shall form a quorum, who, in the absence of the president, may choose a president ^{Quorum.} pro tem; and shall keep minutes of all their transactions, fairly entered in a book; and shall have full power and authority to make contracts, appoint surveyors, superintendents, artists and officers, as they shall ^{Officers, &c.} judge necessary to carry on the intended work, and to fix their salaries or wages, which shall be signed by the president, or, in his absence, by a majority of a quorum, and countersigned by their secretary, a minute of which shall be kept; and generally to do all such acts, matters and things, as by the laws, rules, orders, and regulations of the company shall be committed to them.

SECTION 8. If any stockholder, whether original subscriber or as- ^{Forfeiture of} signee, after notice inserted once a week for four weeks in succession in ^{shares.} two newspapers published at Norristown, and in one newspaper published at Sumneytown, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, shall neglect to pay such proportion at the time and place appointed, and for the space

of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment after the expiration of the said sixty days; and if the same and the said additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such share, the same shall be forfeited by and to the said company, and may be sold by them to any person or persons willing to purchase, for such price as can be obtained therefor; or in default of payment by any stockholder of said instalments as aforesaid, for the space of sixty days, the president and managers may, at their election, cause suit to be brought in the same manner as debts of a like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

Route of road.

SECTION 9. It shall and may be lawful for the president and managers of said company, to lay out the route or track of the said road, beginning on the northern side of the Perkiomen and Reading turnpike road, at some point at or near the Perkiomen bridge, in the township of Upper Providence, in the county of Montgomery, and thence by such route as shall appear to the said managers to be advisable to such point as they shall select for its termination in or near the village of Sumneytown, in the township of Marlborough in said county; and for this purpose it shall and may be lawful for the said president and managers, their superintendents, surveyors or engineers, artists, workmen and laborers, to enter in and upon the lands, tenements and enclosures through and over which the said intended road may be laid out, to examine the ground and quarries of stone and gravel, and other materials that may be necessary in constructing said road; and to survey, ascertain, mark, and fix the route of said road between the limits aforesaid, and to take and occupy for the bed of the said road, such public roads and bridges, not being the property of any other company.

Width, construction, &c.

SECTION 10. It shall be lawful for the president and managers, their superintendents, engineers, artists and workmen, to cause a road to be laid out and opened not less than forty feet in width, nor more than fifty, unless the same would interfere with buildings or houses; and shall cause twenty feet thereof in breadth, at least, to be made an artificial road, which shall be bedded with stone, gravel, or other proper materials, well compacted together, of sufficient depth to secure a solid foundation for the same; and the said artificial road shall be faced with gravel or stone, pounded, or other small hard substance, in such manner as to secure a firm, and as nearly as the nature of the country and the materials will admit, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress as not to rise nor fall more than four degrees from a horizontal line, with a good and sufficient summer road at the side thereof at such places as will admit of the same; and shall forever thereafter maintain and keep the same in perfect order and repair.

Damages, assessment and compensation.

SECTION 11. In case the said president and managers and the owner or owners of any land, tenement or enclosure through which the said road may be laid out, cannot agree upon the compensation to such owner or owners, the same shall be determined by three disinterested freeholders, to be chosen by the parties, or if they cannot agree, to be appointed by the court of quarter sessions of said county, who, before entering on their duties, shall take an oath or affirmation to perform their duties with fidelity; and in determining the amount of damages, shall take into consideration the advantages as well as disadvantages of the road, and the amount of such damages or compensation so assessed,

shall be paid by said company, or adequate security therefor, to be approved by the said court, for the payment thereof in one year, shall be given, before the lands of such owner shall be taken or occupied by said company; and if either party shall be dissatisfied with the assessment of damages made as aforesaid, in any case, it shall be lawful for such party to appeal from the award at the next court of common pleas, upon entering into security, and in such form as the court may direct, in which cases the owner of the land shall be plaintiff and said company defendant, and the same shall thereon be proceeded in and tried in all respects as an appeal from an award of arbitrators, and the costs shall abide the event of the appeal, in the same manner as in an appeal from an award of arbitrators: *Provided*, That in case of an appeal by either party, upon security being given as aforesaid, for the amount of compensation or damages assessed as aforesaid, it shall be lawful for the said president and managers, their superintendents, artists, laborers, with horses, carts and wagons, tools and implements, to enter upon all such lands so assessed and secured, to make, construct, grade and finish said road, and do all other matters necessary for carrying out the objects of this act, as freely and as uninterruptedly as if full compensation had been made for all such lands.

SECTION 12. As soon as the company shall have perfected two miles and a half of the said road, and so from time to time, when any distance, not less than two and a half miles, shall be completed, they shall give notice thereof to the governor, who shall thereupon appoint three skilful and judicious persons to view and examine the same, and report to him whether the road is so far executed in a competent and workmanlike manner; and if their report shall be in the affirmative, then the governor shall, by license under his hand and seal of state, permit and suffer the said president, managers and company, to erect and fix such and so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons travelling in the same, with horses, cattle, carts, and other carriages; and it shall be lawful for the said company to erect, within the limits of their road, at each of their gates or turnpikes, a toll house or dwelling house for the use and accommodation of the toll gatherer at such gate: *Provided*, That such building shall not extend into the said road, from the edge thereof, more than eighteen feet, and shall not be erected immediately in front of or within one hundred feet of any building which may be on the adjoining land, on the same side of the road with such toll house.

SECTION 13. When the said road or any part thereof is completed from time to time, and approved as aforesaid, it shall and may be lawful for the company to appoint such and so many toll gatherers as they shall think proper, to collect and receive of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned, that is to say: For every mile of the said road one cent for every horse with a rider or leader, or carrying or hauling a burden; and for every mile of said road two cents for every horse hauling a pleasure carriage or sleigh for the carriage of persons; and for every mile of said road passed, two cents for every horse of three or more horses attached to a vehicle of burden when laden, when empty one cent for each horse as above; for every head of horned cattle one cent for every five miles; and for every sheep or swine one cent for every ten miles, and proportionately for shorter distances; and in the cases of carriages drawn in whole or in part by oxen, mules or asses, two oxen, mules or asses, shall be estimated as one horse; and for all fractional parts of toll, not equal in value to any denomination of coin in circulation, the said com-

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pany may take and receive the next highest circulating denominations : *Provided*, That the said company may, at their discretion, regulate the tolls so as to reduce them below the sums herein specified, and raise them again to the amount permitted by this act, during such times and seasons, and with such discrimination as the said company may think most expedient; and the toll gatherers may stop any horse or vehicle, carriage, mule, oxen, cattle, sheep or swine, from passing through any toll gate until the toll shall be paid : *And provided further*, That no toll shall be exacted from any person passing from one part of his, her or their farm to another, nor from persons attending funerals or riding in military procession.

Proviso.

Exempts.

Penalty for evading tolls.

SECTION 14. If any person or persons riding in or driving any carriage of burden or pleasure as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act, or if any person or persons shall, with the intent aforesaid, take off or cause to be taken off any horse or other beast or cattle of burden or draught, from any carriage of burden or pleasure, or shall practice any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, every such person or persons shall, on conviction before any justice of the peace of the proper county, for every such offence, forfeit and pay to the president and managers of said company any sum not exceeding ten dollars, for the use of said company.

Penalty for neglect to keep road in repair.

SECTION 15. If the said company shall neglect to keep the said road in good and perfect order and repair for the space of thirty days, and information thereof shall be given to any justice of the peace of the said county of Montgomery, such justice shall issue a precept to be directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time in the said precept to be mentioned, at the place complained of in the said road, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said justice shall, at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said road or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, he shall certify and send one copy of said inquisition to each of the keepers of the turnpikes or gates next to such defective place, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates for the intermediate distance between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good order and repair as aforesaid; and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls for the intermediate distance aforesaid, such keeper shall forfeit and pay, on conviction before any justice of the peace of said county, for the use of the person prosecuting for the same, the sum of five dollars; but if the same shall not be put into good order and repair before the next ensuing court of quarter sessions of said county, the said justice shall certify and send a copy of the said inquisition to the judges of the said court, and the court shall thereupon direct a bill of indictment to be sent to the grand inquest against the president and managers of the said company, and upon conviction shall give such judgment as the said court in their discretion shall judge proper : *Provided*, That the fine in no instance shall be

When tolls shall cease.

less than five dollars nor more than fifty dollars; and the fines so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place or township where such offence was committed, to be applied to repairing the highways in such township.

SECTION 16. If any toll gatherer shall demand and receive toll for a greater distance than the person from whom such toll is demanded, shall have actually travelled along said turnpike road, or may actually travel between any gate, and the gate next thereto, less than the whole distance, or shall demand and receive a greater toll than he is authorized to receive by this act, such toll gatherer shall, upon conviction thereof, before any justice of the peace of said county, forfeit and pay the sum of ten dollars for every such offence, to the use of the directors of the poor and house of employment of said county. Penalty for receiving too great toll.

SECTION 17. The said company shall cause posts to be erected at the intersection of every public road falling into and leading out of the said turnpike road, with index boards and hands, pointing the direction of said road, whereon shall be inscribed in legible characters the name of the town or place to which such road leads, and the distance thereof in computed miles; and shall also cause milestones to be placed on the side of the said turnpike road, beginning at the distance of one mile from the junction of the said road, with the Perkiomen and Reading turnpike road aforesaid, on which milestones shall be marked in plain legible characters the respective number of miles which each stone is distant from the city of Philadelphia; and at every gate or turnpike by them erected on the said road, shall cause the distance from the point of beginning to the point of termination of the said Perkiomen and Sumneytown turnpike road, to be marked in legible characters on the said gates, or some other conspicuous place near thereto; and also shall cause to be affixed at such place a printed list of the rates or toll, which, from time to time may be lawfully demanded, for the information of travellers and others using said road. Index boards.

SECTION 18. If any person or persons shall wilfully break, deface, pull up or prostrate any milestone, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or if any person shall wilfully break, pull down, deface, destroy or injure, any direction post at the intersection of any road, or the index board or hand affixed thereto, or shall destroy, deface or obliterate the letters, figures or other characters marked thereon, or at any turnpike or gate, he or they so offending shall on conviction before a justice of the peace of the said county, for every such offence severally and respectively forfeit and pay to the said company ten dollars. Penalty for injury done to road &c.

SECTION 19. The drivers of all wagons, carts, and drivers of carriages of all kinds using the said road, shall, except when overtaking and passing by a carriage of slower motion, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any wagoner or carter or driver shall offend against this provision, he shall on conviction forfeit and pay any sum not exceeding ten dollars, to any person who will sue for the same before any justice of the peace of the said county, to be recovered with costs of suit. Regulations for passing carriages.

SECTION 20. No suit or action shall be brought or prosecuted for any penalty incurred under this act, unless such suit shall be commenced within three months after the offence, and the defendant in such suit may Actions limited

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plead the general issue, and give this act and the special matter in evidence, and that the same was done in the pursuance and by the authority of this act.

SECTION 21. The president and managers of the said company shall keep fair and just accounts of all moneys which may be received or paid by them, or expended in the prosecution of their said work, and shall, at least once in every year, submit such accounts to a general meeting of the stockholders; and whenever it shall be found that the said capital stock will be insufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers, and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscription.

SECTION 22. As soon as the annual profits of the said work shall enable them to make such dividend, the president and managers shall, on the first Monday in February in every year, declare a dividend of the clear profits among the stockholders, and give notice of the time and place, when and where, the same will be paid.

SECTION 23. The said president and managers shall, at the end of five years from the date of the incorporation of the said company, lay before the general assembly of this commonwealth, an abstract of their accounts, showing the amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said toll, for and during the said period; and at the end of three years after the said road shall be completed, and at the end of every period of three years thereafter, the said president and managers shall render to the general assembly, a like abstract of their accounts for the three preceding years.

SECTION 24. If the company shall not commence the said work within five years after the passing of this act, or shall not, within ten years thereafter, complete the same according to the true intent and meaning of this act, in either of these cases it shall and may be lawful for the legislature to resume all and singular the rights, liberties, privileges and franchises, hereby granted to the said company.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 32.

AN ACT

To repeal so much of the first section of an act, entitled "An Act to authorize the president, managers, and company, of the Susquehanna and Lehigh turnpike road to extend the same, and to construct a branch therefrom," approved the seventh day of March, one thousand eight hundred and six, as authorizes the said company 'to extend their main road from its present termination near the mouth of Nesquehoning, through the Narrows to the Lehigh, at or near Weiss's ferry, in Northampton county.'

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the first section of an act, entitled "An Act to authorize the president, managers, and company, of the Susquehanna and Lehigh turnpike road to extend the same, and also to construct a branch therefrom," approved the seventh day of March, one thousand eight hundred and six, as authorizes the said company 'to extend their main road from its present termination near the mouth of Nesquehoning, through the Narrows to the Lehigh, at or near Weiss's ferry, in Northampton county,' be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of February, A. D. one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 33.

AN ACT

Providing for ascertaining and marking the lines or boundaries between Northumberland and Columbia counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the several courts of quarter sessions of Northumberland and Columbia counties shall have authority within their respective counties, to cause the lines or boundaries to be ascertained and marked, for which purpose any of the said courts, upon application by petition, signed by the citizens of either county, shall appoint three disinterested and impartial

men as commissioners; and it shall be the duty of the said commissioners, or any two of them, to view and examine the said lines or boundaries, and make, or cause to be made, a draft of the same agreeably to the provisions of the act of assembly erecting the said line or lines, or boundaries, and to report their proceedings to the next term of the said court, which court shall take such order thereupon as shall seem to them just and proper; and the costs of said proceedings, including the pay of said commissioners, which shall be one dollar per day, shall be paid out of the county treasuries respectively.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 34.

A N A C T

To repeal the act concerning executions, passed sixteenth July, one thousand eight hundred and forty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act concerning executions, passed sixteenth July, one thousand eight hundred and forty-two, shall continue in force until the first day of January next, and no longer, except as to cases wherein bonds have been given for the delivery of personal property which fails to bring two thirds of the appraised value, and cases wherein such bonds may be given prior to said first day of January next.

District court in
Mercer county.

SECTION 2. That so much of the fourth section of an act, approved the twenty-fifth day of April, one thousand eight hundred and forty-four, as authorizes the continuance of the district court for the period of one year, from the date of said act, in the county of Mercer, is hereby repealed; and from and after the passage of this act, the first, second and third sections of said act, shall be in as full force and effect within the said county of Mercer, as if the fourth section of said act had not been passed, and as if the time therein specified for the continuance of said court had now fully expired.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 35.

A N A C T

To authorize the canal commissioners to purchase an additional number of trucks for the main line of the public improvements.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized and required to procure, upon the most favorable terms practicable, for the commonwealth, an additional number of trucks for the main line of the public improvements: *Provided,* That the sum expended for the purchase of said trucks shall not exceed twenty thousand dollars, to be paid out of the motive power fund.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 36.

A N A C T

Authorizing the citizens of Tulpehocken, Upper Tulpehocken, and Marion townships, in Berks county, to vote at the next constables' election for or against a new township out of parts of said townships.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the citizens of Tulpehocken, Upper Tulpehocken, and Marion townships, in the county of Berks, shall, at their next annual election for constables of said townships, also determine by ballot whether there shall be a new township erected out of parts of said townships.

SECTION 2. Each person entitled to vote for constable in said townships may at the same time also vote for or against a new township, by putting in a ticket with the words written or printed, on the outside, the words "new township," and in the inside "for a new township," in case he shall vote in favor of it, or "against a new township," if opposed to it. Manner of voting.

Return of elec-
tion.

SECTION 3. The officers of the elections for constables in the said townships, shall make a return of the votes polled for and against a new township to the then next court of quarter sessions of the said county, and if a majority of the voters of the said townships shall be found to be against a new township, then there shall be no new township erected out of parts of said townships, but if a majority shall be found in favor of it, then such new township shall be established, agreeably to such order as the said court of quarter sessions shall make in the premises.

Orders of court
suspended.

SECTION 4. All orders and action of the said court, so far as regards such new township, and all proceedings by virtue thereof, are hereby suspended until after the holding of the election hereinbefore provided for.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 37.

AN ACT

Regulating election districts.

Manayunk.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the borough of Manayunk, in the county of Philadelphia, shall hereafter compose a separate election district, and the qualified voters residing within the said borough shall hold their general and special elections at the lock-up house in said borough.

Manayunk.

SECTION 2. That it shall be lawful for the qualified voters of said borough of Manayunk to elect, at their borough election, on the first Monday in March, one thousand eight hundred and forty-five, and at each annual borough election thereafter, judges and inspectors of elections, who shall hold all general, special and borough elections of said borough, according to the provisions of the general election laws of this commonwealth: *Provided,* That in case the qualified voters of said borough should fail to elect judge and inspectors of elections on the first Monday of March, one thousand eight hundred and forty-five, then it shall be lawful to hold their first election on the first Monday of June, one thousand eight hundred and forty-five.

Inspectors and
judges.

Proviso.

Manayunk and
Roxborough.

SECTION 3. That all elections in the borough of Manayunk and in the township of Roxborough, except the township election for township officers, shall be closed at nine o'clock in the evening; that so much of any former act as is hereby altered or supplied, is hereby repealed.

SECTION 4. That the qualified voters of the new township of Hamlin, M'Kean county. in the county of M'Kean, shall hold their general and township elections at the school house in Kingston, in said township, and the boundaries as described in the petition to the court in said county for the said township of Hamlin, shall be the boundaries of the said election district.

SECTION 5. That the election for borough officers in the borough of Beaver county. **Beaver county.** **Frankfort Springs.** Beaver county, shall be held on the third Friday of May in each year hereafter.

SECTION 6. That the qualified voters of Montgomery township, in Indiana county. the county of Indiana, shall hereafter hold their township elections on the second Friday in February.

SECTION 7. That the qualified voters of Penn Forest township, in Carbon county. the county of Carbon, shall hereafter hold their general elections at the house of Joseph Serfass, in said township.

SECTION 8. That the election held by the citizens of Baldwin Allegheny co. township, Allegheny township, on the seventeenth day of May, one thousand eight hundred and forty-four, for the election of township officers, be and the same is hereby legalized, as though the same had been held on the fourth Tuesday of May, as provided for by the sixth section of the act regulating election districts, approved the eighth of May, one thousand eight hundred and forty-four.

SECTION 9. That the qualified electors of the borough of Lock Clinton county. Haven, in the county of Clinton, shall, on the second Friday in February, one thousand eight hundred and forty-five, elect six citizens of said borough, to be a town council, four of whom shall be a quorum; Borough Lock who shall, at their first meeting after their election, divide themselves by Haven. lot into three classes, the term of office of the first class to expire at the expiration of one year; the term of office of the second class to expire at the expiration of the second year; and of the third class at the expiration of the third year, from their election, so that one-third may be elected annually.

SECTION 10. That the qualified electors of said borough shall, on the Town council. second Friday of February, one thousand eight hundred and forty-six, and annually thereafter, elect two reputable citizens of said borough, as members of the town council for said borough, to serve for three years; and each vote for said council shall contain two names.

SECTION 11. That the election for the officers of said borough, shall Elections when held. be hereafter held at the court house in said borough, on the second Friday of February in each year, at which time and place the election for all borough officers, the returns of which are by law required to be made to the courts of quarter sessions and of common pleas of the county of Clinton, shall be held; and that said election shall be held and conducted by the same officers, and under the same rules and regulations as is provided for the election of township officers in the county of Clinton, except that the returns for the election of chief burgess, town council, and high constable, shall be made to the town council.

SECTION 12. That in the event of any of the seats of said council Vacancies. being vacated by death, removal, resignation, non-acceptance, non-election, or other cause, the remaining town council may fill by appointment at any stated meeting of the council all such vacancies, until the next annual election, at which time members shall be elected for the unexpired time of those whose seats are thus vacated; and that the persons so appointed shall be subject to all the fines and penalties imposed in section fourth, in the act, entitled "An Act to incorporate the

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pany may take and receive the next highest circulating denominations : *Provided*, That the said company may, at their discretion, regulate the tolls so as to reduce them below the sums herein specified, and raise them again to the amount permitted by this act, during such times and seasons, and with such discrimination as the said company may think most expedient; and the toll gatherers may stop any horse or vehicle, carriage, mule, oxen, cattle, sheep or swine, from passing through any toll gate until the toll shall be paid : *And provided further*, That no toll shall be exacted from any person passing from one part of his, her or their farm to another, nor from persons attending funerals or riding in military procession.

roviso.

exempts.

penalty for evad-
ing tolls.

SECTION 14. If any person or persons riding in or driving any carriage of burden or pleasure as aforesaid, shall, with an intent to defraud the said company, or to evade the payment of any of the tolls or duties aforesaid, pass therewith through any private gate or bar, or along or over any private passage way, or along or over any other ground or land near to or adjoining any turnpike or gate which shall be erected in pursuance of this act, or if any person or persons shall, with the intent aforesaid, take off or cause to be taken off any horse or other beast or cattle of burden or draught, from any carriage of burden or pleasure, or shall practice any other fraudulent means or device, with the intent to evade or lessen the payment of any such toll or duty, every such person or persons shall, on conviction before any justice of the peace of the proper county, for every such offence, forfeit and pay to the president and managers of said company any sum not exceeding ten dollars, for the use of said company.

penalty for ne-
glect to keep road
in repair.

SECTION 15. If the said company shall neglect to keep the said road in good and perfect order and repair for the space of thirty days, and information thereof shall be given to any justice of the peace of the said county of Montgomery, such justice shall issue a precept to be directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time in the said precept to be mentioned, at the place complained of in the said road, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto; and the said justice shall, at such time and place, by the oaths or affirmations of the said freeholders, inquire whether the said road or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands and seals of himself and a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, he shall certify and send one copy of said inquisition to each of the keepers of the turnpikes or gates next to such defective place, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates for the intermediate distance between them shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good order and repair as aforesaid; and if any of the keepers of the gates aforesaid, shall take or attempt to exact tolls for the intermediate distance aforesaid, such keeper shall forfeit and pay, on conviction before any justice of the peace of said county, for the use of the person prosecuting for the same, the sum of five dollars; but if the same shall not be put into good order and repair before the next ensuing court of quarter sessions of said county, the said justice shall certify and send a copy of the said inquisition to the judges of the said court, and the court shall thereupon direct a bill of indictment to be sent to the grand inquest against the president and managers of the said company, and upon conviction shall give such judgment as the said court in their discretion shall judge proper : *Provided*, That the fine in no instance shall be

When tolls shall
cease.

Proviso.

less than five dollars nor more than fifty dollars; and the fines so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said county, and shall be paid to the supervisors of the highways of the place or township where such offence was committed, to be applied to repairing the highways in such township.

SECTION 16. If any toll gatherer shall demand and receive toll for a greater distance than the person from whom such toll is demanded, shall have actually travelled along said turnpike road, or may actually travel between any gate, and the gate next thereto, less than the whole distance, or shall demand and receive a greater toll than he is authorized to receive by this act, such toll gatherer shall, upon conviction thereof, before any justice of the peace of said county, forfeit and pay the sum of ten dollars for every such offence, to the use of the directors of the poor and house of employment of said county. Penalty for receiving too great toll.

SECTION 17. The said company shall cause posts to be erected at the intersection of every public road falling into and leading out of the said turnpike road, with index boards and hands, pointing the direction of said road, whereon shall be inscribed in legible characters the name of the town or place to which such road leads, and the distance thereof in computed miles; and shall also cause milestones to be placed on the side of the said turnpike road, beginning at the distance of one mile from the junction of the said road, with the Perkiomen and Reading turnpike road aforesaid, on which milestones shall be marked in plain legible characters the respective number of miles which each stone is distant from the city of Philadelphia; and at every gate or turnpike by them erected on the said road, shall cause the distance from the point of beginning to the point of termination of the said Perkiomen and Sumneytown turnpike road, to be marked in legible characters on the said gates, or some other conspicuous place near thereto; and also shall cause to be affixed at such place a printed list of the rates or toll, which, from time to time may be lawfully demanded, for the information of travellers and others using said road. Index boards.

SECTION 18. If any person or persons shall wilfully break, deface, pull up or prostrate any milestone, which shall be placed in pursuance of this act on the side of the said road, or shall obliterate the letters or figures inscribed thereon, or if any person shall wilfully break, pull down, deface, destroy or injure, any direction post at the intersection of any road, or the index board or hand affixed thereto, or shall destroy, deface or obliterate the letters, figures or other characters marked thereon, or at any turnpike or gate, he or they so offending shall on conviction before a justice of the peace of the said county, for every such offence severally and respectively forfeit and pay to the said company ten dollars. Penalty for injury done to road &c.

SECTION 19. The drivers of all wagons, carts, and drivers of carriages of all kinds using the said road, shall, except when overtaking and passing by a carriage of slower motion, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any wagoner or carter or driver shall offend against this provision, he shall on conviction forfeit and pay any sum not exceeding ten dollars, to any person who will sue for the same before any justice of the peace of the said county, to be recovered with costs of suit. Regulations for passing carriages.

SECTION 20. No suit or action shall be brought or prosecuted for any penalty incurred under this act, unless such suit shall be commenced within three months after the offence, and the defendant in such suit may Actions limited.

plead the general issue, and give this act and the special matter in evidence, and that the same was done in the pursuance and by the authority of this act.

accounts.

SECTION 21. The president and managers of the said company shall keep fair and just accounts of all moneys which may be received or paid by them, or expended in the prosecution of their said work, and shall, at least once in every year, submit such accounts to a general meeting of the stockholders; and whenever it shall be found that the said capital stock will be insufficient to complete the said road according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers, and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner and under the like penalties as are hereinbefore provided for the original subscription.

increase shares.

dividend.

SECTION 22. As soon as the annual profits of the said work shall enable them to make such dividend, the president and managers shall, on the first Monday in February in every year, declare a dividend of the clear profits among the stockholders, and give notice of the time and place, when and where, the same will be paid.

report to legisla-
re.

SECTION 23. The said president and managers shall, at the end of five years from the date of the incorporation of the said company, lay before the general assembly of this commonwealth, an abstract of their accounts, showing the amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said toll, for and during the said period; and at the end of three years after the said road shall be completed, and at the end of every period of three years thereafter, the said president and managers shall render to the general assembly, a like abstract of their accounts for the three preceding years.

commencement
and completion
limited.

SECTION 24. If the company shall not commence the said work within five years after the passing of this act, or shall not, within ten years thereafter, complete the same according to the true intent and meaning of this act, in either of these cases it shall and may be lawful for the legislature to resume all and singular the rights, liberties, privileges and franchises, hereby granted to the said company.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 32.

AN ACT

To repeal so much of the first section of an act, entitled "An Act to authorize the president, managers, and company, of the Susquehanna and Lehigh turnpike road to extend the same, and to construct a branch therefrom," approved the seventh day of March, one thousand eight hundred and six, as authorizes the said company 'to extend their main road from its present termination near the mouth of Nesquehoning, through the Narrows to the Lehigh, at or near Weiss's ferry, in Northampton county.'

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the first section of an act, entitled "An Act to authorize the president, managers, and company, of the Susquehanna and Lehigh turnpike road to extend the same, and also to construct a branch therefrom," approved the seventh day of March, one thousand eight hundred and six, as authorizes the said company 'to extend their main road from its present termination near the mouth of Nesquehoning, through the Narrows to the Lehigh, at or near Weiss's ferry, in Northampton county,' be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of February, A. D. one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 33.

AN ACT

Providing for ascertaining and marking the lines or boundaries between Northumberland and Columbia counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the several courts of quarter sessions of Northumberland and Columbia counties shall have authority within their respective counties, to cause the lines or boundaries to be ascertained and marked, for which purpose any of the said courts, upon application by petition, signed by the citizens of either county, shall appoint three disinterested and impartial

men as commissioners; and it shall be the duty of the said commissioners, or any two of them, to view and examine the said lines or boundaries, and make, or cause to be made, a draft of the same agreeably to the provisions of the act of assembly erecting the said line or lines, or boundaries, and to report their proceedings to the next term of the said court, which court shall take such order thereupon as shall seem to them just and proper; and the costs of said proceedings, including the pay of said commissioners, which shall be one dollar per day, shall be paid out of the county treasuries respectively.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 34.

A N A C T

To repeal the act concerning executions, passed sixteenth July, one thousand eight hundred and forty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act concerning executions, passed sixteenth July, one thousand eight hundred and forty-two, shall continue in force until the first day of January next, and no longer, except as to cases wherein bonds have been given for the delivery of personal property which fails to bring two thirds of the appraised value, and cases wherein such bonds may be given prior to said first day of January next.

SECTION 2. That so much of the fourth section of an act, approved the twenty-fifth day of April, one thousand eight hundred and forty-four, as authorizes the continuance of the district court for the period of one year, from the date of said act, in the county of Mercer, is hereby repealed; and from and after the passage of this act, the first, second and third sections of said act, shall be in as full force and effect within said county of Mercer, as if the fourth section of said act had not been passed, and as if the time therein specified for the continuance of said court had now fully expired.

District court in
Mercer county.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 35.

A N A C T

To authorize the canal commissioners to purchase an additional number of trucks for the main line of the public improvements.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized and required to procure, upon the most favorable terms practicable, for the commonwealth, an additional number of trucks for the main line of the public improvements: *Provided,* That the sum expended for the purchase of said trucks shall not exceed twenty thousand dollars, to be paid out of the motive power fund.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 36.

A N A C T

Authorizing the citizens of Tulpehocken, Upper Tulpehocken, and Marion townships, in Berks county, to vote at the next constables' election for or against a new township out of parts of said townships.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the citizens of Tulpehocken, Upper Tulpehocken, and Marion townships, in the county of Berks, shall, at their next annual election for constables of said townships, also determine by ballot whether there shall be a new township erected out of parts of said townships.

SECTION 2. Each person entitled to vote for constable in said townships may at the same time also vote for or against a new township, by putting in a ticket with the words written or printed, on the outside, the words "new township," and in the inside "for a new township," in case he shall vote in favor of it, or "against a new township," if opposed to it. Manner of voting.

Return of elec-
tion.

SECTION 3. The officers of the elections for constables in the said townships, shall make a return of the votes polled for and against a new township to the then next court of quarter sessions of the said county, and if a majority of the voters of the said townships shall be found to be against a new township, then there shall be no new township erected out of parts of said townships, but if a majority shall be found in favor of it, then such new township shall be established, agreeably to such order as the said court of quarter sessions shall make in the premises.

Orders of court
suspended.

SECTION 4. All orders and action of the said court, so far as regards such new township, and all proceedings by virtue thereof, are hereby suspended until after the holding of the election hereinbefore provided for.

FINDLBY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 37.

A N A C T

Regulating election districts.

Manayunk.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the borough of Manayunk, in the county of Philadelphia, shall hereafter compose a separate election district, and the qualified voters residing within the said borough shall hold their general and special elections at the lock-up house in said borough.

Manayunk.

SECTION 2. That it shall be lawful for the qualified voters of said borough of Manayunk to elect, at their borough election, on the first Monday in March, one thousand eight hundred and forty-five, and at each annual borough election thereafter, judges and inspectors of elections, who shall hold all general, special and borough elections of said borough, according to the provisions of the general election laws of this commonwealth: *Provided,* That in case the qualified voters of said borough should fail to elect judge and inspectors of elections on the first Monday of March, one thousand eight hundred and forty-five, then it shall be lawful to hold their first election on the first Monday of June, one thousand eight hundred and forty-five.

Inspectors and
judges.

Proviso.

Manayunk and
Roxborough.

SECTION 3. That all elections in the borough of Manayunk and in the township of Roxborough, except the township election for township officers, shall be closed at nine o'clock in the evening; that so much of any former act as is hereby altered or supplied, is hereby repealed.

SECTION 4. That the qualified voters of the new township of Hamlin, M'Kean county. in the county of M'Kean, shall hold their general and township elections at the school house in Kingston, in said township, and the boundaries as described in the petition to the court in said county for the said township of Hamlin, shall be the boundaries of the said election district.

SECTION 5. That the election for borough officers in the borough of Beaver county. Frankfort Springs, Beaver county, shall be held on the third Friday of May in each year hereafter.

SECTION 6. That the qualified voters of Montgomery township, in Indiana county. the county of Indiana, shall hereafter hold their township elections on the second Friday in February.

SECTION 7. That the qualified voters of Penn Forest township, in Carbon county. the county of Carbon, shall hereafter hold their general elections at the house of Joseph Serfass, in said township.

SECTION 8. That the election held by the citizens of Baldwin Allegheny co. township, Allegheny township, on the seventeenth day of May, one thousand eight hundred and forty-four, for the election of township officers, be and the same is hereby legalized, as though the same had been held on the fourth Tuesday of May, as provided for by the sixth section of the act regulating election districts, approved the eighth of May, one thousand eight hundred and forty-four.

SECTION 9. That the qualified electors of the borough of Lock Clinton county. Haven, in the county of Clinton, shall, on the second Friday in February, one thousand eight hundred and forty-five, elect six citizens of said borough, to be a town council, four of whom shall be a quorum; Borough Lock who shall, at their first meeting after their election, divide themselves by Haven. lot into three classes, the term of office of the first class to expire at the expiration of one year; the term of office of the second class to expire at the expiration of the second year; and of the third class at the expiration of the third year, from their election, so that one-third may be elected annually.

SECTION 10. That the qualified electors of said borough shall, on the Town council. second Friday of February, one thousand eight hundred and forty-six, and annually thereafter, elect two reputable citizens of said borough, as members of the town council for said borough, to serve for three years; and each vote for said council shall contain two names.

SECTION 11. That the election for the officers of said borough, shall Elections when be hereafter held at the court house in said borough, on the second Fri- held. day of February in each year, at which time and place the election for all borough officers, the returns of which are by law required to be made to the courts of quarter sessions and of common pleas of the county of Clinton, shall be held; and that said election shall be held and conducted by the same officers, and under the same rules and regulations as is provided for the election of township officers in the county of Clinton, except that the returns for the election of chief burgess, town council, and high constable, shall be made to the town council.

SECTION 12. That in the event of any of the seats of said council Vacancies. being vacated by death, removal, resignation, non-acceptance, non-election, or other cause, the remaining town council may fill by appointment at any stated meeting of the council all such vacancies, until the next annual election, at which time members shall be elected for the unexpired time of those whose seats are thus vacated; and that the persons so appointed shall be subject to all the fines and penalties imposed in section fourth, in the act, entitled "An Act to incorporate the

village of Lock Haven, in the county of Clinton, into a borough," passed the twelfth day of May, one thousand eight hundred and forty, for non-acceptance, or neglecting to perform duties as councilmen, as those elected at the annual election.

Repeal. SECTION 13. That so much of the act, entitled "An Act to incorporate the village of Lock Haven, in the county of Clinton, into a borough," passed the twelfth day of May, one thousand eight hundred and forty, as are hereby altered or supplied, be and the same are hereby repealed.

Centre county. SECTION 14. That the qualified electors of Snow Shoe township, Centre county, shall hereafter hold their township elections on the second Friday in February of each year, instead of the time now appointed by law.

Centre county. SECTION 15. That the several elections in the township of Penn, in the county of Centre, shall be held in the town of Millheim, in said township, at the house now occupied by H. A. Zellers.

Centre. SECTION 16. That the several elections of the township of Gregg, in the county of Centre, shall be hereafter held in the house now occupied by Jonas Musser.

Montgomery. SECTION 17. That the qualified voters of the borough of Pottstown, in the county of Montgomery, shall hereafter elect their borough officers and school directors at the same time and place that they elect their assessors, judges and inspectors of the general election.

Huntingdon. SECTION 18. That the qualified voters of the borough of Gaysport, in the county of Huntingdon, shall have power and authority to elect hereafter on the day fixed by law for the election of borough officers, in said borough of Gaysport, one assessor, who shall have and exercise all the rights and powers, and perform and do all the duties in said borough, that are now devolved upon and exercised by the assessor of Blair township, in the county of Huntingdon.

Mercer county. SECTION 19. That the electors of West Salem township, in the county of Mercer, shall, at their spring elections hereafter, elect but one constable, and any law inconsistent herewith, be and the same is hereby repealed.

Armstrong co. SECTION 20. That from and after the passage of this act, the spring elections in the several townships of the county of Armstrong, shall be held on the second Friday of March, in each and every year.

Huntingdon co. SECTION 21. That the qualified voters of the township of Jackson, in the county of Huntingdon, shall hereafter hold their general and township elections at the house of David Miller, at M'Allevey's fort, in said township.

Franklin county. SECTION 22. That the qualified voters of St. Thomas township, in the county of Franklin, shall hereafter hold their general and township elections at Western school-house, in the town of St. Thomas, in said county.

Lancaster co. SECTION 23. That the qualified voters in the township of Fulton, Lancaster county, shall hereafter hold their general and township elections at the house of Elias Pennington, in said township: *Provided*, That it shall be lawful for the electors of said township to change the place of holding the general and township elections as herein directed, and to designate and change the place for either election, and to fix one place for the township, and another place for the general election, as they may deem proper, in the mode directed by the fifty-sixth section of the act of second July, Anno Domini, one thousand eight hundred

and thirty-nine, entitled "An Act relating to the elections of this commonwealth."

SECTION 24. That the several elections of the borough of Lewis-Union county. burg, in the county of Union, be hereafter held in the Franklin house, corner of Fourth and Market streets, of said borough.

SECTION 25. That the qualified voters of East Providence township, Bedford county. in the county of Bedford, shall hereafter hold their spring and general elections at the house of John Nycum, in said township.

SECTION 26. That from and after the passage of this act, the borough Cumberland co. of Carlisle, in the county of Cumberland, shall be and hereby is divided into two wards, to be called the East and West wards; said division to be made by Hanover street, and by the Baltimore and Harrisburg turnpike, as the dividing line; and that hereafter each of said wards at all general, electoral, special, and borough elections, shall hold their elections at separate windows in the court house, in said borough.

SECTION 27. The qualified electors in each ward shall vote for and Justices—Carlisle elect two justices of the peace for said ward, one constable, one school ward elections. director, one judge of elections, two inspectors of elections, and alternately five of the nine councilmen to which the whole borough is entitled under its charter: *Provided*, That at the first election for borough officers, after such division shall have taken place, the five members of the town council shall be elected in the East ward of said borough.

SECTION 28. The chief burgess, assistant burgess, town clerk, assessor Carlisle—burgess and assistant assessors shall be elected by the qualified citizens of the &c. borough as heretofore, without any regard to the division of the same into wards, and without any reference to their locality.

SECTION 29. Nothing in this act shall be construed as affecting the Carlisle—school school district of the borough of Carlisle, but said borough shall be and district. remain one whole and entire district for school purposes: *Provided*, That the qualified citizens of each ward, and none other, shall vote for and elect each year, at the usual time, one of their own citizens as school director, who shall be a resident of the ward in which he is voted for and elected.

SECTION 30. The qualified electors of the East ward shall hereafter Carlisle, East and hold their elections at the first window south of the court house door in West ward elections. said borough, and those of the West ward at the first window north of said door.

SECTION 31. The court of common pleas of Cumberland county, or Carlisle—inspec- any two of the judges thereof during vacation, shall appoint a judge, tors, &c. of ward elections. two inspectors and two clerks, to conduct the first election for the West ward after the passage of this act; the judge, inspectors and clerks heretofore elected and appointed, or that may be appointed in consequence of resignation or otherwise, shall conduct said first election after the passage of this act for the East ward.

SECTION 32. All elections under this act for borough purposes, shall Carlisle—time of be held as heretofore on the third Friday of March in each and every holding elections. year, of which elections the constable of the borough shall give the usual notice of ten days, by written or printed advertisements.

SECTION 33. That so much of any laws heretofore passed in relation Repeal. to the borough of Carlisle, as are herein altered or superseded, be and the same is hereby repealed.

Luzerne county. SECTION 34. That the qualified electors of Hanover township, in the county of Luzerne, shall hereafter hold their general and township elections at the house now occupied by Derrick H. Gulick, in said township.

Luzerne county. SECTION 35. That the qualified electors of Jackson township, in the county of Luzerne, shall hold their general and township elections at the Rome school house, in said township.

Washington co. SECTION 36. That the qualified electors of Peters township, in the county of Washington, shall hereafter hold their general and township elections at the house now occupied by John Shepler, in said township.

Greene county. SECTION 37. That the qualified citizens of Monongahela township, in the county of Greene, shall hereafter hold their general election at the house of Samuel Minor, in Mapletown, in said township.

Columbia co. SECTION 38. That the qualified citizens of Centre township, in the county of Columbia, shall hold their general and township elections at the house of John Hess, in said township.

Northampton co. SECTION 39. That the qualified voters of the borough of South Easton, in the county of Northampton, shall hold their next ensuing March election at the engine house in said borough; and the said qualified voters shall decide, by ballot, at the said ensuing March election, whether their general and spring elections hereafter shall be held at the house now occupied by Philip H. Depue, or at the said engine house.

Perry county. SECTION 40. That from and after the passage of this act, the election of officers for the borough of Liverpool, in the county of Perry, shall be held on the same day, and at the same time and place, that the township election for Liverpool township is held; and the judge and inspectors elected for said township of Liverpool, shall hold and conduct the same, keeping separate boxes for the votes given for borough officers, and in every respect to conduct said election agreeable to the act incorporating said borough.

Perry county, Jackson tp. SECTION 41. That from and after the passage of this act, the new township of Jackson, in the county of Perry, shall be a separate election district; and the qualified voters thereof shall hold their general and township elections at the Church Hill school house, in said township.

Judge and inspectors of election in Jackson township. SECTION 42. That James Woods, of said township, is hereby appointed judge, and Jacob Wentz and John Kern, inspectors, to hold and conduct the township election for the said township of Jackson in March next, for the election of township officers, and for the election of two inspectors and one judge of elections; notice to be given of such election, and the same to be conducted, and the returns of such election to be made according to the several provisions contained in the acts of assembly regulating such elections.

Perry county. SECTION 43. That from and after the passage of this act, the township of Toboyme, in the county of Perry, shall be a separate election district, and the qualified voters thereof shall hold their general and township elections at the same time and place as heretofore; and the officers heretofore elected in said township, who now reside within the bounds of said township, shall continue to discharge the duties of their several offices, during the time for which they have been elected; and any vacancy that may have occurred in consequence of the division of said township, shall be supplied according to the provisions of the act of assembly regulating such elections.

SECTION 44. That the qualified voters of the township of Briar Creek, in the county of Columbia, shall hereafter hold their township elections at the school-house near and between James Leman's and Evans' mill. Columbia co.

SECTION 45. That the qualified electors of the township of Cherry Ridge, in the county of Wayne, shall hold their general and township elections at the house now occupied by Eben H. Clark, in said township. Wayne county.

SECTION 46. That the citizens residing in that portion of the township of Unity, in the county of Westmoreland, which is included in the Pleasant Unity election district, shall hereafter hold their spring elections for township officers of the said township of Unity, at the house of William Fisher, in Pleasant Unity, which elections shall be conducted by the judge and inspectors of elections in the said district, or in case of the absence of any of them, by such person or persons as shall be appointed in their places according to law, who shall be paid as in other cases; and the judge holding such elections shall meet the judge of elections in the other portion of Unity township, at the house of the late George Geiger, in said township, to make out the general return of the election of township officers for the said township of Unity; and the said judge shall also meet the judge of elections of Mount Pleasant township, at the place of holding the general elections in said election district, to make out the return of the election of judge and inspectors of elections for said district. Westmoreland county.

SECTION 47. That hereafter the several elections in Upper Paxton township, Dauphin county, shall be held at the "brick school-house," in Millersburg, in said township. Dauphin county.

SECTION 48. That the township of Main, in the county of Columbia, shall form a separate election district, and the qualified voters thereof shall hereafter hold their general and township elections at the house now occupied by Isaiah Shuman, in said township. Columbia co.

SECTION 49. That the return judges of the representative district of Pike and Wayne Pike and Wayne counties, shall meet at the house of John Decker, in Pike county, instead of Honesdale, for the purpose of casting up the votes given for representative in said counties. return judges.

SECTION 50. That the forty-second section of the act regulating election districts, approved eleventh day of April, one thousand eight hundred and forty-four, is hereby repealed; and the election for officers of the borough of Butler shall be held as directed by law, before the passage of said section. Butler borough.

SECTION 51. That the qualified electors of the borough of Pinegrove, in the county of Schuylkill, shall hereafter vote at their general elections in separate boxes, at the same place where the general elections are now held; and that the qualified voters as aforesaid, elect their officers annually at the time and place for electing judges and inspectors, for the purpose of conducting said elections, agreeably to the provisions of the act, entitled "An Act relating to elections of this commonwealth," passed the second day of July, one thousand eight hundred and thirty-nine, and its supplements. Schuylkill county

SECTION 52. That the qualified electors of that part of Manheim township, in the county of Schuylkill, who now vote at the South ward, in the borough of Pottsville, shall hereafter vote at the Mount Carbon house; and that the part of Manheim township aforesaid be and the same is hereby annexed to the Mount Carbon election district. Schuylkill county

Wayne county. **SECTION 53.** That the qualified voters of the township of Palmyra, in the county of Wayne, be and they are hereby authorized to elect another constable in addition to the one now authorized by law to be elected.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 38.

A SUPPLEMENT

To the several acts incorporating the borough of Pottsville, and for the election of borough and township officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of the North-East and North-West wards of the borough of Pottsville, shall, respectively, be entitled to choose two justices of the peace and one constable, for their respective wards, in manner provided by law; and that all elections for the North-West ward shall be held at the house now occupied by Nathaniel J. Mills, and all elections for the North-East ward shall be held at the house now occupied by Maximillian Doerflinger.

SECTION 2. That the qualified electors of the respective wards, boroughs and townships, of the county of Schuylkill, shall hold their annual elections, for the election of constables, justices of the peace, assessors, supervisors, and all other officers for such wards, boroughs and townships, respectively, except the election of such officers whose elections are provided for by the several acts incorporating said boroughs, and their several supplements, on the fourth Friday of February instant, and on the third Friday of February annually hereafter.

SECTION 3. That the qualified electors of each ward of the borough of Pottsville, shall hereafter, at the times and places of holding their borough elections, elect one supervisor for each ward respectively; and it shall be the duty of the supervisors so elected to superintend and attend to the opening, widening and repairing of the public streets and highways of said borough, in the respective wards for which said supervisors shall be elected, under the directions of the street committee; and so much of all former laws, inconsistent with the provisions of this section, be and the same is hereby repealed.

SECTION 4. That whenever a vacancy occurs in the town council of the borough of Pottsville, occasioned by the death, resignation, refusal

to act, removal from the borough, of any of the members thereof, the council, at the next stated or any subsequent stated meeting thereafter, may fill such vacancy or vacancies, by the election of any qualified citizen or citizens, who shall remain in office until the next annual election for borough officers, when the qualified voters of the said borough shall elect a sufficient number of qualified citizens for the unexpired terms of such members whose places were thus supplied by an election of the council.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The nineteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 39.

A N A C T

To change the names of Jonathan, Benjamin Franklin, Mary Ann, Elizabeth Hannah, and Emma Nichols, to Jonathan, Benjamin Franklin, Mary Ann, Elizabeth, Hannah, and Emma Jackson, and to confer upon them respectively all the rights and privileges of children born in lawful wedlock; and to legitimize the natural children of Sarah Williamson, (now Sarah Russel,) of the county of Greene.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the names of Jonathan, Benjamin Franklin, Mary Ann, Elizabeth Hannah, and Emma Nichols, children of Jonathan Jackson and Ann Nichols, of the county of Chester, be and the same are hereby changed to that of Jonathan Jackson, Benjamin Franklin Jackson, Mary Ann Jackson, Elizabeth Hannah Jackson, and Emma Jackson. Names changed from Nichols to Jackson.

SECTION 2. That the said Jonathan Jackson, Benjamin Franklin Jackson, Mary Ann Jackson, Elizabeth Hannah Jackson, and Emma Jackson, shall have and enjoy all the rights, benefits and advantages of children born in lawful wedlock; and shall be able and capable in law to inherit and transmit all the estate, real, personal and mixed, of their said father, the said Jonathan Jackson, or their said mother, the said Ann Nichols, as fully and completely, to all intents and purposes, as if they had been born in lawful wedlock. Legitimated.

SECTION 3. That Mary, Ann, David, and Elizabeth, illegitimate children of Sarah Russel, (late Williamson,) of Greene county, are hereby declared legitimate, by the names of Mary Rape, Ann Jones, Children of Sarah Russel, legitimated.

David Jones, and Elizabeth Faulkner; and capable in law and equity to inherit and transmit any estate, real, personal and mixed, as fully and effectually as if born in lawful wedlock.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-second day of February, Anno Domini one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 40.

AN ACT

Relative to public roads in certain counties therein named.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the number of road and bridge viewers appointed by the courts of quarter sessions of the counties of Butler, Allegheny, Luzerne, Lycoming, and Clinton, shall be three, one of whom shall be a surveyor, if deemed necessary; and every view and review shall be made by the whole number of persons so appointed, a majority of whom shall concur in their report, in order to its confirmation by the court.

Road and bridge viewers in Butler, Allegheny, Luzerne, Lycoming and Clinton counties.

Notice.

SECTION 2. That in all cases of the appointment of viewers in said counties, to view and locate a public or private road, or to review a public road, the said viewers or any one of them shall, before proceeding to make their view or review, give public notice by at least three advertisements, put up in the vicinity of the contemplated route of such road, of the time and place where the said viewers will meet for the purpose of making such view or review, at least five days before such meeting.

Releases of damages, &c.

SECTION 3. That if the viewers shall decide in favor of locating a public road, or to make any change in the location of the public road which they were appointed to review, it shall be the duty of the viewers to endeavor to procure, from the persons through whose lands such location may be made, releases for all claims of damages that might arise from opening the same; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof, signed by a majority of their number, and return the same, together with all releases obtained, to the proper court of quarter sessions.

Duty of courts.

SECTION 4. That it shall be the duty of said court to examine carefully the amount of damages assessed as aforesaid; and if said court shall be satisfied that the amount of damages assessed in any case is such that the public interest will be subserved by its payment, and the

opening of the road, said court shall confirm such view or review, and the assessment of damages, which shall be paid as now directed by law; but if said court shall not be satisfied, the said report shall not be confirmed unless the same shall be paid first by the petitioners.

SECTION 5. That from and after the passage of this act, it shall be the duty of the county commissioners of Allegheny county, to repair all bridges erected by the said county, and to pay the expenses of such repair out of the county treasury in the usual manner. Allegheny county.

SECTION 6. That from and after the first day of June next, the number of road and bridge viewers appointed by the courts of quarter sessions of the county of Beaver, shall be three, one of whom shall be a surveyor; and every view and review shall be made by the whole number of persons so appointed, a majority of whom shall concur in their report in order to its confirmation by the court. Beaver county.

SECTION 7. That from and after the passage of this act, the supervisors of each township in the county of Crawford, or a majority of them, are hereby authorized and required at their first meeting, as is provided for in the second section of the act, entitled "An Act relative to roads and bridges in the counties of Crawford, Clearfield, and Greene," approved the seventh day of May, eighteen hundred and forty-four, to divide their respective townships into as many road districts as they deem necessary, and at the same time and place appoint a competent person for each road district to serve as road master, who shall do and perform all the duties enjoined on road masters, by the aforesaid act. Crawford county.

SECTION 8. That so much of the said act as is hereby supplied, be repealed, and the same is hereby repealed. Repeal.

SECTION 9. That this act shall take effect on the first day of June next. When to take effect.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 41.

AN ACT

To authorize the governor to incorporate the Bethlehem water company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the present members of the Bethlehem water company, that is to say, P. H. Goepf, Wm. Eberman, Henry Shulz, J. C. Brickenstein, C. D. Bishop, Christian Luckenbach, Henry B. Luckenbach, Charles L. Corporators.

Knauss, John Oerter, C. F. Beckel, Jonathan Bishop, Felix Fenner, Francis Zoller, G. Greenwald, Chas. Tombler, John M. Micksh, Jacob Siegmund, and James T. Borheck, their successors and assigns, shall be and they are hereby made and constituted a body politic and corporate, by the name, style, and title of "the Bethlehem water company;" and by the same name, style, and title, shall have continual succession, and shall be able in law to sue and be sued, to plead and be impleaded, and to make, have, and use a common seal, and all the privileges and franchises incident to a corporation necessary for the purpose of supplying the town of Bethlehem with water, and for no other purpose whatever, and shall be capable of taking and holding the public stock and the increase and profits thereof, and of enlarging the same by new subscription if it shall be found necessary to fulfil the intent of this act, and of purchasing, taking, and holding to them, their successors, and assigns, and of selling and transferring in fee simple or for any less estate, such lands, tenements, hereditaments, and estates, real and personal, as shall be necessary in the prosecution of their works, and of doing every matter and thing which a corporation or body politic may lawfully do in the premises.

Election. SECTION 2. That any three or more of the stockholders shall, as soon as conveniently may be after the passing of this act, give at least ten days notice by at least five written or printed advertisements, to be put up at the most public places in the said town of Bethlehem, to meet and hold an election for choosing by ballot six managers, who shall be stockholders, to serve as hereinafter provided; and the elections for officers shall be annually on the first Monday after the first day of April, at such hour and place as may be appointed by said managers, of which at least ten days notice shall be given as aforesaid: *Provided*, That no stockholder not residing within the town of Bethlehem shall be eligible as a manager or treasurer of said company: *And provided*, That no misnomer nor failure of election of officers on the day appointed shall discontinue or dissolve the said corporation, but the managers and officers shall continue in office until a new election, which shall be made at such time and place and after such notice as the board of managers may prescribe. The six managers aforesaid shall, at their first meeting, by casting lots, divide themselves into two equal sections—the term of service of the first section to expire at the next election, the services of the second section to continue to the next subsequent election—the annual elections being for three managers, excepting when vacancies shall have occurred, which shall be supplied at the next election subsequent to such occurrence. In all elections and upon all questions arising at meetings of the stockholders, each stockholder shall be entitled to one vote for each share *bona fide* held by him, not exceeding four; and for every two shares above the first four, and not exceeding twelve, one vote; and for every four shares above the first twelve, and not exceeding twenty-eight, one vote; and for every eight shares above the first twenty-eight, and not exceeding one hundred, one vote; and no stockholder shall be entitled to more than twenty-one votes; and no votes by proxy shall be received, nor shall any person be entitled to vote at a meeting of stockholders, unless the share or shares on which he or she may claim to vote shall have been standing in his or her name, in the books of said company, for at least two months previous to said meeting. The said managers shall appoint one of their number president, who shall sign all certificates of stock and contracts; they shall also have power to appoint one of the stockholders who may not be a manager for the time being, treasurer, and who by virtue of this appointment becomes a member of the board, and to appoint such

Name.

Object.

Powers.

Annual.

Proviso.

Eligibility.

Classification.

Vacancies.

Vote.

Certificates of stock.

other officers and agents as may be necessary. And when vacancies happen, the managers may supply them from among the stockholders, until the next annual election.

SECTION 3. That the president and managers, or any four of them, shall have power to adopt such by-laws, rules and regulations, as shall not contravene the constitution and laws of the United States and of this commonwealth, and may be deemed expedient for the well governing of all the affairs of said company; and shall also have power to call special meetings of the stockholders whenever they deem it expedient to consult them. By-laws.

SECTION 4. That the president and managers shall procure a common seal, and the certificates of stock, and other official acts, shall be authenticated by affixing the same; and the president and managers shall procure certificates for all the shares of the stock of said company, and shall deliver one such certificate, signed by the president, countersigned by the secretary and seal as aforesaid, unto each person for each share held by him or her, as soon as twenty dollars shall be paid on such share; and every such certificate shall be transferable, in person or by attorney duly authorized, in the presence of the president or secretary of said company, subject, however, to all payments due and to become due thereon; and the assignee holding such certificate, having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation, and possess and enjoy all the rights, privileges, benefits and emoluments to which he would have been entitled if he had been an original subscriber. Seal. Certificates transferable.

SECTION 5. That the president and managers shall meet at stated times, by adjournment, or upon the call of the president, or of any two or more of the managers; and when met, four members shall be a quorum, and, in the absence of the president, a chairman may be chosen of the members met; and, a quorum being formed, they shall have full power to make contracts, draw on the treasurer for all the moneys that may be required to carry into full effect this act, or that may be required by their by-laws, rules and regulations, and generally to do all such other matters and things as by this act and their by-laws, rules and regulations, they shall be authorized to do. Meetings.

SECTION 6. That the president and managers may proceed and bring, introduce and convey water into the said town of Bethlehem, in case of a deficiency in that already introduced, from such stream or spring as may be fixed on and purchased by said company for that purpose, by means of pipes, trunks or aqueducts, or other means, and also provide proper cisterns or reservoirs for the reception thereof; and for these purposes they may enter into such lands or enclosures as may be necessary, to dig, ditch and lay pipes and trunks through the same, doing as little damage as possible to private property, and paying for whatever damage shall be done by them in case the parties cannot agree, according to an assessment made under oath or affirmation by three disinterested persons, to be appointed, on application, by the court of common pleas in and for the county of Northampton; and the president and managers shall at all times, paying damages as aforesaid, have liberty to renew and repair the pipes or trunks which have already been laid, or which shall hereafter be laid on and through private property; and also have liberty at all times to dig and lay pipes or trucks along roads and highways, and along the streets and alleys of the said town of Bethlehem, and to renew and repair the same, shutting up and amending any breach which they may respectively make, as soon as possible, and it shall be lawful for them to make cisterns and reservoirs, and to set hydrants in the streets or public ground in the said town of Bethlehem, when it may be deemed Manner of introducing water. Damages.

Proviso.

necessary: *Provided*, That in all cases where the damages assessed in the manner provided for in and by this section shall exceed the sum of twenty dollars, either party may, within thirty days after such assessment shall be made, and notice thereof given to the parties, appeal to the said court of common pleas of the county of Northampton, and in every case in which such appeal shall have been taken, like proceedings may be had as in other cases in said court.

Hydrants.

SECTION 7. That the said president and managers shall, in such streets, or parts of the said town of Bethlehem, where pipes or trunks shall have been laid, erect hydrants, to be used for the purpose of extinguishing fires, and shall have liberty to supply or suffer individuals to be supplied with water, for domestic or manufacturing use, for such reasonable compensation as shall, from time to time, be agreed upon by the said president and managers and such individuals, according to certain uniform rates hereafter to be adopted by said president and managers, having regard to the probable quantity of water which applicants are likely to consume. And the said president and managers shall have power to lease or rent out any surplus stream or water power that may be found to exist after the purpose of providing water for the inhabitants of Bethlehem shall have been attained. And any person or persons within the said town, who shall take any of said water for any purpose or use whatever, without having previously contracted for the same with the said president and managers, shall forfeit and pay, for every such offence the sum of three dollars, to the said president and managers, to be recovered before a justice of the peace, in the same manner as debts of equal amount are now recoverable:

Proviso.

Provided, That nothing herein contained shall be construed to compel the inhabitants of said town to use the water so introduced by said company, or to prevent them from using water obtained in any other way. And any person or persons who shall wilfully destroy or injure, in any manner, the pipes, cisterns, aqueducts, reservoirs, machinery, buildings, hydrants, or any of them, or any of the works of said company, or shall wilfully corrupt or otherwise render unwholesome the water brought or conveyed, or to be brought or conveyed into the town of Bethlehem by the said company, or the stream or streams, spring or springs, from which the same is brought, or to be brought, shall, upon conviction before a justice of the peace, be deemed guilty of malicious mischief, and be liable, moreover, to the company for damages sustained by such injury.

Penalty for injuring works, or corrupting water.

Contingent fund.

SECTION 8. That the said president and managers, whenever the debts of the said company shall have been paid, and the income shall exceed the expenses of the company, may, if they deem it advisable, collect a contingent fund, not exceeding one thousand dollars, or declare a dividend, not exceeding seven per cent. on the stock paid in, yearly, on the second Monday of January in each year, and shall publish the said dividend, and the place where it will be paid, and shall cause the same to be paid accordingly.

Dividend.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 42.

AN ACT

To incorporate the Ephrata Monument association of the county of Lancaster.

WHEREAS, In the year one thousand seven hundred and seventy-seven, immediately after the battle of Brandywine, a large number of American soldiers, sick and wounded, were removed to Mount Zion, now in Ephrata township, Lancaster county, and there received the kind and charitable attention of the ministers and members of the Seventh Day Baptist society, under whose care they were placed, and as upwards of two hundred of these gallant soldiers of the Revolution died and were interred without any memorial to mark the place of their interment; and as a number of citizens of the county of Lancaster, are desirous of associating themselves together, and to obtain corporate powers, for the purpose of enabling them to erect a suitable monument to their memory; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph Konigsmacher, R. R. Heidler, David Bauman, William Meily, Isaac Stroh, George W. M'Elroy, Benjamin Konigsmacher, B. Fahnestock, Samuel Zerfass, William Spera, Christian Smith, Jeremiah Moler, J. W. Forney, R. Frazer, J. K. Findlay, George Ford, E. C. Reigart, Christian Bachman, David Longenecker, and all other persons who have subscribed, or who may hereafter subscribe, any sum towards the erection of the proposed monument, and their successors and assigns, be and they are hereby made a body politic and corporate, in law, under the name, style and title of the "Ephrata Monument Association," and by that name shall be able and capable, in law, to have and use a common seal, to sue and be sued, plead and be impleaded, and do all such other things as are incident to a corporation.

SECTION 2. That the said corporation shall be able and capable, in law, if it shall be deemed expedient, to purchase and hold so much land and personal property, as may be necessary for the purposes of this incorporation, to lay out and ornament the grounds, and to make such by-laws, rules and regulations as they may deem essential to the proper government of the affairs of the association; and the property of the said association shall not be subject to attachment or execution, and the land occupied for the purposes of the said association shall hereafter be forever exempt from taxation.

SECTION 3. The business of the said association shall be managed by a president, five directors and a treasurer, to be chosen annually from the subscribers, by a majority of the votes given, each subscriber to be entitled to a single vote; the election to be held annually on the first Monday of June, at the academy in Ephrata, in the county of Lancaster, public notice of the first and of every subsequent election to be given at least two weeks previous, in one or more newspapers printed in the city of Lancaster, and at least six handbills to be put up at public places; notice of the first election to be given by three or more of the incorporators named in the first section of this act, and notice of all subsequent elections to be given by the president of the company.

Annual report.

SECTION 4. That said president, directors and treasurer shall make an annual report, on the day of every annual election, which shall be duly certified, and which shall exhibit fully and accurately the receipts, expenses and expenditures of the said association.

Directors.

SECTION 5. Joseph Konigmacher, Richard R. Heidler, William Spera, Jeremiah Möhler, John G. Bauman, Edwin Konigmacher, Jeremiah Bauman, or a majority of them, are hereby constituted a board of directors, to transact the business of said association from and after the passage of this act, and to continue until others are elected in accordance with the third section of this act.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 43.

AN ACT

Concerning the removal of the seat of justice of the county of Columbia from Danville to Bloomsburg.

Citizens to vote
for or against re-
moval.

Ticket.

Returns.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the qualified voters who have resided in Columbia county for at least six calendar months immediately preceding the next general election, to vote at such election upon the question of the removal of their seat of justice from Danville to Bloomsburg in said county, in the manner following, to wit: Those in favor of a removal shall vote a written or printed ticket, labelled "seat of justice," and containing the words "for Bloomsburg," and those opposed to a removal shall vote a written or printed ticket labelled as aforesaid, and containing the words "for Danville;" the said tickets to be deposited in a box, which shall be provided for that purpose at each and every of the election polls of said county, and the returns of said election shall be made in the same manner by the return judges as in the case of the election of members of the assembly; and if, on the meeting of the return judges, it shall appear that a majority of the votes have been given in favor of Bloomsburg, then the following sections of this act shall be of full force and effect; but if it shall appear that a majority of votes have been given against Bloomsburg, then the following sections of this act shall be null and void.

SECTION 2. That if a majority of the voters of said county of Columbia, qualified as aforesaid, voting on said question of removal, shall decide in the manner provided in the first section of this act, in favor of the re-

moval of the seat of justice, in said county, to the town of Bloomsburg, the citizens of Bloomsburg, in said county, shall erect, or cause to be erected, at their own proper expense, within three years from and after such election, in the town of Bloomsburg, suitable buildings of brick or stone, of the most approved plan, for a court-house and prison, and different offices for the safe keeping of the county records, under the direction of the county commissioners, who are authorized to receive a conveyance for such lot or lots of ground for the use of such county buildings, not less than one acre, in fee simple, clear of all incumbrances, for the use of the county of Columbia, the said buildings to be erected on such lot or lots of ground thus conveyed; and the court-house and other public buildings and real estate on which they are erected or is appurtenant thereto, at the town of Danville, are hereby granted and confirmed to the inhabitants of Mahoning township, with full authority to sell and dispose of the same to the best advantage; and that so much of the proceeds of said sale as is necessary to refund to the citizens of Danville whatever amount of money they may have given for the original construction of the public buildings at said town, and the purchase of the lots of ground on which they are erected, shall be refunded to said citizens, and the balance to be paid into the county treasury for county purposes: *Provided*, No disposition or sale of such buildings shall be made until the court-house and public buildings at Bloomsburg shall be completed, and the public records and offices be removed thereto.

Public buildings,
erection of.

Public buildings
at Danville vested
in the citizens of
Mahoning town-
ship.

Certain money
refunded to citi-
zens of Danville.

Proviso.

SECTION 3. That so soon as the public buildings are completed according to the provisions of this act, the commissioners aforesaid shall file a report of the same in the court of common pleas of said county; and said court being satisfied that said buildings are fully completed, according to the true intent and meaning of this act, and a record thereof being made by endorsement on said report, the commissioners and sheriff of said county shall thereupon cause the prisoners, if any there confined in the old prison, to be safely removed to the new, and the public papers and records then remaining in the public offices at Danville to be safely deposited in the new buildings, so as aforesaid built and prepared for the reception thereof; and from thenceforth the seat of justice in and for the county of Columbia shall cease to be at Danville, and the same shall be removed and fixed at the town of Bloomsburg, in the said county; and the public offices heretofore kept, and the courts of justice heretofore held at Danville, in and for the said county of Columbia, shall be kept and held at Bloomsburg, in the buildings erected for their accommodation as aforesaid.

Commissioners'
duty.

Removal of pri-
soners.

Seat of justice
removed.

SECTION 4. It shall be lawful for the citizens of Bloomsburg to obtain subscriptions from any person or persons willing to subscribe any money or materials for the erection of such public buildings, as are provided for in the second section of this act; and in default of the payment of the same to the county commissioners, are hereby empowered to cause suit to be brought in the name of the county to enforce the recovery of the same, and, when collected, to be applied towards defraying the expenses of such buildings.

Subscriptions.

SECTION 5. If any person or persons shall vote on the question of the removal of the seat of justice of said county of Columbia, the election authorized to be held by virtue of this act, not duly qualified to vote in accordance with the first section of this act, or shall vote out of his or their proper district, or shall vote more than once on said question, he or they so offending, upon conviction thereof before the proper court of quarter sessions of said county, shall be subject to

Penalty for illegal
voting.

the penalty provided for in the general election laws of this commonwealth.

Penalty for receiving illegal, and rejecting legal, votes.

SECTION 6. If any judge or inspector of the election, authorized to be held by virtue of this act, shall knowingly or wilfully reject the vote of a citizen qualified to vote on the question of the removal of the seat of justice in said county, in accordance with the first section of this act, or shall receive the vote of a person not qualified to vote as aforesaid on said question, he or they so offending, upon conviction thereof before the proper court of quarter sessions of said county, shall forfeit and pay for the use of said county, for every such offence, a sum not less than three hundred or more than six hundred dollars, at the discretion of the court, and shall undergo an imprisonment in the jail of said county, for a period of not less than twelve months, or more than two years.

Penalty for fraud in the election.

SECTION 7. If any judge, inspector, or clerk of the election, authorized to be held by virtue of this act, shall wilfully miscount, or shall falsely and fraudulently add up, and return the votes received upon the question aforesaid, or shall keep a false tally paper, or shall be guilty of any fraud in the discharge of his duties, every person so offending, upon conviction thereof in the proper court of quarter sessions of said county, shall be subject to the same fine and penalty as are imposed upon delinquent judges or inspectors by the general election laws of this commonwealth.

Duty of judges and inspectors.

SECTION 8. It shall be the duty of the judges and inspectors conducting the election, authorized to be held by virtue of this act, to cause the letter R to be legibly and distinctly set opposite the name of every citizen who shall vote on the question of removal of the seat of justice, as aforesaid, on the tally paper, on which his name shall be registered; and any wilful omission so to do shall be deemed a fraud, and shall be punished as such, in accordance with the provisions of the seventh section of this act.

Oath.

SECTION 9. It shall be the duty of every judge, inspector, and clerk, conducting the election, authorized to be held by virtue of this act, to take (in addition to the oath or affirmation he is now required by law to take,) an oath or affirmation, that he will honestly and faithfully comply, in every respect, with the provisions and requirements of this act.

Certificates of result.

SECTION 10. It shall be the duty of the return judges of said county, at the time and place of their meeting, to cast up all the votes received in the different election districts, on the question of the removal of the seat of justice aforesaid; and shall make out two certificates showing the result, one of which shall be filed in the office of the clerk of the court of quarter sessions, and the other in the office of the commissioners of said county of Columbia.

Duty of sheriff.

SECTION 11. It shall be the duty of the sheriff of the said county of Columbia, to cause this act to be published in at least three newspapers published in said county, for at least once in every week for sixty days, immediately preceding the next general election, and shall on the day of the election cause at least two printed copies, one of which shall be in the German language, of said act, to be posted in handbill form in the most public place nearest the election poll, in every election district in said county; and the reasonable expense of such publication shall be paid by the said county of Columbia, by orders drawn in the usual way.

Repeal.

SECTION 12. So much of the existing laws of this commonwealth as are altered or supplied by this act, be and the same are hereby re-

pealed; and also the act of assembly, passed sixteenth day of June, one thousand eight hundred and thirty-six, entitled "An Act relating to the lien of mechanics, and others, upon buildings," is hereby repealed, so far as relates to the buildings to be erected in pursuance of this act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 44.

AN ACT

To confirm the title of a certain lot of ground situate in the district of Southwark, in the county of Philadelphia.

WHEREAS, James Ronaldson and Richard Ronaldson, of the county of Philadelphia, did, by indenture dated the first day of July, Anno Domini, one thousand eight hundred and twenty-nine, recorded at Philadelphia, in deed book G. W. R., number twenty-seven, page seven hundred and two, grant and convey unto "the Philadelphia Marine railway company," their successors and assigns, a certain lot of ground situate in the district of Southwark, in the county of Philadelphia, particularly described in the said indenture, together with the appurtenances. Preamble.

And whereas, It is represented to the legislature, that some doubts are entertained respecting the right and power of the said company, to hold and convey the said lot of ground; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the title of the said "the Philadelphia Marine railway company," and of all and every person and persons lawfully claiming, or to claim under the said company, by purchase or otherwise, to the lot or piece of ground as is hereinbefore recited by James Ronaldson and Richard Ronaldson, to the said "the Philadelphia Marine railway company," on the first day of July, Anno Domini, one thousand eight hundred and twenty-nine, shall be and the same is hereby confirmed and made valid, to the same extent and effect, to all intents and purposes, as if at and before the execution of the said conveyance to the company by the said James Ronaldson and Richard Ronaldson, express authority had been given to the said "the Philadelphia Marine railway company," by act of assembly, to take, purchase, receive and hold, or convey in

fee simple or otherwise, the said lot of ground, situate in the district of Southwark, and county of Philadelphia, with all and singular the appurtenances.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 45.

A SUPPLEMENT

To "An Act to incorporate the Spring Garden gas company."

SECTION 1, *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for opening a book and receiving subscriptions for stock, agreeably to the directions of the act to which this is a supplement, is hereby extended to the first day of June next, and the term of two years prescribed in the sixth section of said act, shall commence from the passage of this act.

Subscriptions.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 46.

A FURTHER SUPPLEMENT

To an act, entitled "An Act to incorporate the Reliance insurance and trust company of Philadelphia," approved the twenty-first day of April, eighteen hundred and forty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the period for striking a balance of the affairs of said company in the manner directed in the third section of the supplementary act, approved the eighteenth day of April, eighteen hundred and forty-three, shall be and the same is hereby changed from the first Monday in November to the thirty-first day of December annually, (unless the same shall be Sunday, and then on the day previous,) and the other matters and things by the said supplementary act required to be done and performed within thirty days next succeeding the said first Monday in November, shall be done and performed, except as is hereinafter otherwise provided, within thirty days next succeeding the said thirty-first day of December annually. And so much of said supplementary act as prohibits the issuing of any certificate for the "remaining profits" therein named, "unless claimed within two years after the declaration of the dividend or profit whereof it is the evidence," and so much of the same act as declares that "no certificate shall issue for any less sum than twenty-five dollars, nor for any fractional part of five dollars," shall be and the same are hereby repealed; but no such certificate shall be issued for any less sum than ten dollars, nor for any fractional part of one dollar. And when the said "remaining profits" accruing to any stockholder or insured member within any one year, shall amount to less than ten dollars, and not less than one dollar, the amount thereof shall be credited on the books of the company to the party to whom the same has accrued; and if the amount so credited shall within any term of ten years, but not otherwise, amount to ten dollars, the said party shall be entitled to receive a certificate therefor as in other cases. Time for striking balance, changed.

All contracts for insurance made with said company terminating within any one year, shall entitle the parties making the same, to participate in manner aforesaid, in the profits of that year; and on moneys deposited by way of premiums for perpetual insurances, interest shall be computed at the rate of five per centum per annum, and the portion of the said "remaining profits," if any, to which the depositors shall be entitled, shall be the proportion the amount of such interest may bear to the aggregate or collective amount of stock paid in, and premiums earned. Certificates.

But no dividend of the said "remaining profits," shall be made or declared less than one per cent. on the aggregate or collective amount of stock paid in, and premiums earned; and annually, before making or declaring any such dividend, the directors shall reserve out of such "remaining profits" for contingencies, such reasonable amount as they may deem expedient, not in any one year exceeding two per cent. on the said aggregate or collective amount of stock paid in, and premiums earned. Contracts.

And the amount of all such "remaining profits," less than one per cent., together with the amount reserved by the directors for contingencies, as aforesaid; and all amounts accruing to any individual or party in any Dividend.

one year, less than one dollar, and not credited on the books of the company; and the fractional parts of a dollar, above ten dollars, accruing to any individual or party, and not included in a certificate; and the sums credited on said books to any individual or party, less than ten dollars, in any term of ten years, together with the amounts of all certificates or all sums entitling individuals or parties to certificates, remaining unclaimed for the term of three years after the declaration of the dividend or profit entitling the parties to the same, shall accrue to the company, and be carried to the contingent fund thereof: *Provided*. That the estimates and dividends of profits to be made and declared by the directors, under the provisions of said supplementary act and this act, shall be conclusive and binding upon the company, and upon all persons entitled to participate in the profits thereof.

Proviso.

Election.

SECTION 2. The directors of said company shall hereafter be elected on the first Monday in February annually, instead of the third Monday in December, in the manner, and subject to the provisions and conditions mentioned in the act to which this is a further supplement; and the president and directors now in office shall serve until the first Monday in February, eighteen hundred and forty-six, and until others are elected in their stead.

Estates.

Trustee, &c.

SECTION 3. Any money or estate, real or personal, confided to the said company in trust, shall be liable only for the contracts, engagements or performances growing out of or appertaining to said trusts; and in all cases where application shall be made to any court in this commonwealth, for the appointment of any trustee, receiver, assignee or guardian, or of any committee of any lunatic, it shall be lawful for such court to appoint said company, with their consent, to be such trustee, receiver, assignee, guardian or committee; and in case of such appointment, the said company shall not be required to give security, but shall be responsible for the goodness of all investments made by them of the funds committed to their care by such appointment; and the accounts of said company as such trustee, receiver, assignee, guardian, or committee, shall be regularly settled and adjusted by the proper tribunals; and all legal, proper and customary charges, costs and expenses shall be allowed to the said company for their care and management of the funds and estates so committed to them.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 47.

A FURTHER SUPPLEMENT

To "An Act to incorporate the Delaware insurance company of Philadelphia," passed and approved March twelfth, one thousand eight hundred and four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Delaware insurance company of Philadelphia, shall be and hereby is authorized and empowered, immediately upon and after the acceptance of this act in writing by a majority in value of the present stockholders, to set aside one hundred thousand dollars of the capital of the said company, to be divided among and held by the stockholders of the said Delaware insurance company of Philadelphia, in proportion to the number of shares to which they may be respectively entitled on the day of the acceptance of this act, as aforesaid, which said sum of one hundred thousand dollars shall then and thenceforth constitute the capital of the said company, which shall be reduced in the aggregate to four thousand shares of twenty-five dollars each. Capital stock.

SECTION 2. That for the respective shares and proportions of the said sum of one hundred thousand dollars, to which the said stockholders shall be entitled, the directors of the said company shall issue new certificates of stock of the value of twenty-five dollars each, and shall cause a memorandum thereof to be endorsed upon the old certificates of stock then held by the said several stockholders; and from and after the said acceptance of this act, the holders of the new certificates of stock shall be considered members of this company, and shall have the right to vote at the future meetings of the said company, and all right to vote upon the old certificates of stock shall then and thenceforth cease and determine: *Provided,* That the scale of voting shall be in the same rate as designated by the act of incorporation of twelfth March, one thousand eight hundred and four. New certificates.

SECTION 3. That from and immediately after the acceptance of this act, as aforesaid, the name of the said company shall be altered and changed, without, however, in any way affecting or altering the corporate existence of said company, or the rights or authorities hereby or heretofore given; and from thenceforth the style and title of the said company shall be and continue to be "The Philadelphia Mutual Insurance Company," under which name, style and title, the said company shall continue to take, enjoy, and possess all the estates, real and personal, wherever situate, and all the rights, powers, authorities, and immunities of the Delaware insurance company of Philadelphia, and be subject to, and responsible for, all debts, insurances, liabilities, and engagements contracted or entered into or imposed upon the Delaware insurance company of Philadelphia, as if no alteration of the name, style and title of the said company had been made. Name. Powers, &c.

SECTION 4. The present officers and directors of the Delaware insurance company of Philadelphia, shall continue to have and enjoy all the powers and authorities, and to perform all the duties heretofore and hereby given to or imposed upon the said corporation, until the second Officers.

Monday of January ensuing the passage of this act, and thereafter, until others are elected in their place and stead.

Settlement of
affairs.

SECTION 5. That the company shall, immediately after the acceptance of this act by the stockholders, as aforesaid, proceed to settle the affairs of the company up to the date of said acceptance; and shall, as soon as conveniently may be, divide among and pay over to the stockholders holding stock at the time of said acceptance, all the remainder of their capital beyond the sum of one hundred thousand dollars, retained as the future capital of said company under the provisions of this act: *Provided*, That before any such dividend or payment of the remainder of said capital stock to or among the stockholders, as aforesaid, a fund fully sufficient shall be retained to meet all disputed claims and all outstanding risks insured by said company prior to the date of said acceptance, which fund, when added to the one hundred thousand dollars of retained capital, shall be equal to the aggregate amount of such claims and risks; and any director consenting to any dividend or payment of said capital stock which shall reduce the reserved fund below this amount, shall be personally liable to any party that may sustain injury thereby, and the amount of such injury may be recovered by action of debt as in other cases.

Proviso.

Reserved fund.

Members.

SECTION 6. That each and every person holding a certificate or certificates for premiums earned on risks marked off and determined, amounting to fifty dollars, shall be and become a member of said company, and shall be entitled to vote in all meetings of the company, and for each sum of fifty dollars so held by him or them, shall be entitled to the privileges of a holder of one share of the capital stock of said company, under and subject to all the restrictions and provisions of the several acts of assembly relating to the said company; and any person holding an amount of said certificates not less than the par value of twenty shares of stock, shall be equally eligible for a director as the holder of ten shares of stock.

Vote.

Shares.

Elections, meet-
ings, &c.

SECTION 7. That all future elections of the directors, and annual meetings of the stockholders and other members of the company, shall be on the second Monday of January in each and every year.

Estimate of pro-
fits, &c.

SECTION 8. That the directors of said company shall, on the first Monday of January in each and every year, cause an estimate to be made as accurately as may be of the profits of said company during the preceding year, in which estimates the losses and expenses of the company for the year shall be deducted from the receipts and earnings of said company during the same year, arising as well from premiums paid as from the investment of said premiums, and of the capital stock, and the balance, if any, shall be deemed the amount of the net profits for such preceding year, which estimate shall be binding upon all persons entitled to receive certificates as hereinafter mentioned; and the said directors shall, thereupon, if the said net receipts are sufficient, in the first place pay to the stockholders six per cent. on the par value of their respective shares of stock, and after payment of the said interest to the stockholders, then, in the second place, pay to the holders of certificates for premiums earned on risks marked off and terminated, six per cent. on the amount therein mentioned; and the said directors shall, moreover, credit upon the books of the said company each stockholder, and also each person or firm who shall have paid any premiums to the said company on risks marked off and terminated during the preceding year, with a proportion of the remainder of the said balance, (exclusive of fractional parts of ten dollars as hereinafter mentioned;) such proportion to be ascertained by dividing the remainder of said net balance, after payment of interest as aforesaid, among the stockholders in proportion

to the par value of their shares of stock, and among the persons and firms by whom premiums were paid in proportion to the sums received from them respectively for risks marked off and terminated during that year, first deducting, however, all return premiums; and the said directors shall thereupon issue to each stockholder, and to each person or firm having paid premiums as aforesaid, a certificate declaring him or them, and his or their executors, administrators, and assigns, to be entitled to a portion of the funds of the said company equal to the amount so credited to him or them, and also to receive from the said company annually out of the receipts, profits, and income as aforesaid, interest upon the amount of such certificate not exceeding six per cent. per annum, which certificate shall contain a proviso that the amount named therein is liable to a pro rata deduction for any future losses by said company; but no person or firm shall be credited with or receive a certificate for a share of profits less than ten dollars, nor for any fractional sums between the several multiples of ten dollars, but all such fractional parts of ten dollars shall be passed to the contingent fund of the company; *Provided* Proviso. *always,* That no interest shall be paid upon the said certificates of stock or for premiums earned, except from the net interest and profits received and made by the said company upon their investments, and the net earnings of the company for and during the current year in which the said interest shall have accrued, after payment of all losses, charges and expenses during the said current year; and if the said receipts shall not be sufficient to pay and discharge the same in full, then the whole shall be applied, first, to the payment of interest on the stock in full or pro rata, as the case may be, and the balance, if any, shall be divided pro rata among the holders of certificates for premiums earned as aforesaid: *Interest.* *And provided also,* That if the said capital stock, or the amount received for premiums earned on risks marked off and terminated, shall be impaired or diminished by losses, expenses, or by or from any other cause whatever, then there shall be made a deduction equal in amount to said losses or expenses, or other diminution, which shall be assessed pro rata upon all the said certificates of stock, and upon all certificates issued on account of premiums paid for risks, marked off and terminated; and immediately upon such assessment being made by the board of directors, the said certificates issued as aforesaid, shall be binding and obligatory on the said company only for the balance due upon them after such deduction made and assessed as aforesaid; and the said assessment and deduction, when made by the board of directors as aforesaid, shall be binding and conclusive upon the holders of all said certificates of stock and for premiums earned for risks marked off and terminated, either with or without notice. Diminution of stock.

SECTION 9. That on some day in the month of January, in every *Statement.* year, the directors of the said company shall cause to be made, and printed, a general balance statement of the affairs of said company, which shall contain :

I. The amount of premiums received during the previous twelve *Premiums.* months, specifying what amount was received on marine risks, what on fire risks, and what on inland transportation and navigation risks.

II. The amount of expenses of the said company during the year. *Expenses.*

III. The amount of losses incurred during the year, specifying what *Losses.* amount of losses has been incurred by marine risks, what on fire risks, and what on inland transportation and navigation risks.

IV. The balance remaining with the said company. *Balance.*

V. The amount of interest payable on certificates of stocks, and on *Interest.* those issued for premiums earned during the preceding year.

Securities.

VI. The nature of the securities on which the property of the company has been invested, stating separately the amount invested in real securities and in stocks, public loans or other personal securities, and the balance of cash on hand.

Each member of the company shall be entitled to a copy of this statement, which shall be published daily for one week in two daily newspapers of the city of Philadelphia, in the months of January or February, in each and every year.

Excess.

SECTION 10. That whenever the accumulation of profits invested shall, independent of the capital stock, exceed one hundred thousand dollars, the excess may be applied, first, to the redemption of the certificates of stock issued under the provisions of this act, and, second, after the redemption of said stock, or after the full provision shall have been made therefor, then any further excess may be applied to the redemption of the certificates issued for premiums earned; but the certificates for premiums earned of a subsequent year, shall not, in any case, be redeemed until all those of the preceding year have been paid off and taken up, or provided for; notice of such redemption shall be given in two public papers of the city of Philadelphia, daily for two successive weeks, in the months of January and February.

Debts.

SECTION 11. That in case any person holding, or entitled to a certificate for stock, or for premiums earned, or to receive any payment for interest on account thereof, shall be indebted to the said company, they shall and may withhold the said certificate and the payment of the said interest until such debt or debts shall be thereby paid.

Transfers.

SECTION 12. That the certificates for stock or for premiums earned shall be transferred only upon the books of the company in person, or by an attorney duly constituted, under such rules and regulations as now are or hereafter may be prescribed by the by-laws of the company.

Re-insured.

SECTION 13. That the directors of said company may cause themselves to be re-insured, when deemed expedient, against any risk or risks upon which they have made or may make insurance.

Repeal.

SECTION 14. That this act, the act to which this is a supplement, and the several other supplements thereto, so far as they are not repealed hereby, shall be and continue in force until the same shall be altered or repealed by the legislature of this commonwealth.

Repeal.

SECTION 15. That the fourteenth section of the act to incorporate the Delaware insurance company of Philadelphia, passed the twelfth day of March, one thousand eight hundred and four, and so much of the said act, and of the several acts supplementary thereto, as are supplied by or inconsistent with the provisions of this act, shall be and are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-fourth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 48.

A SUPPLEMENT

To an act passed July sixteenth, eighteen hundred and forty-two, entitled "An Act concerning the trust estate of Hugh Roberts, deceased, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the fifty-fifth section of the act of assembly, passed July sixteenth, eighteen hundred and forty-two, entitled "An Act concerning the trust estate of Hugh Roberts, deceased, and for other purposes," shall be construed to apply to all fines and forfeitures, payable either in whole or in part, to the use of the respective counties. Fines and forfeitures.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, A. D. one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 49.

A N A C T

Respecting the appointment of auditors in the courts of the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the first section of the act of the fourteenth of April, one thousand eight hundred and thirty-five, entitled "A supplement to the act passed the twenty-ninth day of March, Anno Domini, one thousand eight hundred and thirty-two, entitled 'An Act relating to orphans' courts,'" be and the same are hereby extended to the city and county of Philadelphia, and the proviso contained in said section is hereby repealed. Extended to Philadelphia.

SECTION 2. That in all cases where the proceeds of any sheriff's sale shall be brought into either of the courts of the city and county of Philadelphia for distribution, and it shall be necessary to refer the claims upon such proceeds to an auditor for adjustment and appropriation, the Philadelphia.
Proceeds of sheriff's sales.

auditor to whom the same shall be referred, shall be suggested to the proper court by the claimants upon said proceeds, or by a majority of them or their counsel; and if no valid objection be made, the person so suggested shall be appointed by the court; but if valid objections be made to such appointment, the said claimants or their counsel shall suggest another person as auditor, and so on, until one shall be nominated by said claimants or their counsel, and be approved by the court; and the person so appointed shall be sworn or affirmed to perform his duty with fidelity, and shall have power to administer oaths and affirmations to parties and witnesses in all cases referred to him.

Notice of distribution.

SECTION 3. That it shall be lawful for the said courts to direct such public notice, as they may deem proper, by advertisements in two public newspapers, requiring all persons interested in the fund to be distributed, to meet at such time and place as shall be specified in such order, to choose an auditor as aforesaid, and make their claims before him, or be debarred thereafter from coming in upon the said fund or proceeds of sale.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 50.

AN ACT

Authorizing Andrew M. Jones and Henry Bonsall, trustees, to sell certain real estate.

Preamble.

WHEREAS, Harvey Beck, late of the city of Philadelphia, deceased, in and by his last will and testament, duly proved, and recorded in the office for the probate of wills at said Philadelphia, after bequeathing certain personal property to his wife Elizabeth, devises as follows, viz: "I also give her, for and during all the term of her natural life, all my estate and property situate at the north-west corner of Juniper and Walnut streets, in the city of Philadelphia, and in which we live at present, which provision made for my wife, is in lieu and satisfaction of her dower of and in my estate; and from and immediately after the decease of my said wife, I give and devise the said estate at the north-west corner of Juniper and Walnut streets, together with the respective appurtenances, to my nephews and niece, viz: Paul Beck Goddard, John Lemuel Goddard, Kingston Goddard, William B. Goddard, and Jeanette Goddard, their heirs and assigns forever, in equal shares or parts: also, from and immediately after my decease, I give and devise to my nephews and niece above named, all my estate, numbers seven and nine, South Water street, together with the respective appurtenances, to hold

to them, my aforesaid named nephews and niece, their heirs and assigns, in equal shares and parts forever, reserving for my wife, as a part of my personal estate, the rent arising from the said estate, the periodical or quarterly payments of which shall become due and payable within six months ensuing the day of my decease."

And whereas, In and by a certain codicil to the last will and testament, duly proved and recorded as aforesaid, the said testator further devises as follows, viz: "I hereby revoke that portion or part of my will with regard to any portion or portions of property left to John L. Goddard or William B. Goddard, and leave that portion devised to J. L. Goddard to be equally divided between Paul B. Goddard, Kingston and Jeanette, and that portion which was devised to William B. Goddard I leave in trust to A. M. Jones and Henry Bonsall, for the sole use and benefit of Mrs. John Bonsall, my mother-in-law."

And whereas, It is for the interest and is the desire of all parties concerned, that the said premises or a part thereof should be sold, and there is no power of sale given to the said Mrs. John Bonsall, or to her said trustees, of that portion so devised to her as aforesaid:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the said Andrew M. Jones and Henry Bonsall, trustees as aforesaid, of the said Mrs. John Bonsall, and the survivor of them, be and they are hereby authorized, with the assent of the said Mrs. John Bonsall, to sell, in such manner as they or he may deem best, all or any part of the said estate of the said Harvey Beck, deceased, so devised to them in trust for Mrs. John Bonsall as aforesaid, and to execute, acknowledge and deliver a good and sufficient deed or deeds therefor, to the purchaser or purchasers, in fee simple, altogether discharged from the said trust, and from any obligation on the part of the said purchaser or purchasers, to see to the application of the purchase money: *Provided, however*, That before the said Andrew M. Jones and Henry Bonsall, or the survivor, shall execute any such deeds, they or he shall give security in the court of common pleas of the county of Philadelphia, to be approved by the said court, conditioned for the investment of the proceeds of the said sale or sales, in such manner as said court shall direct, on the same trust as is set forth in the said codicil to the said last will and testament.

Trustees of Mrs. John Bonsall, to sell real estate.

Deed.

Proviso.

Security.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 51.

A N A C T

Authorizing the commissioners of Schuylkill county, to sell and convey a piece of ground in the borough of Pottsville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the county of Schuylkill, after giving due and public notice of the time and place of sale, in at least one newspaper printed in said county, are hereby authorized to sell at public sale a certain tenement, consisting of one half lot of ground with the appurtenances, situate on the north-west side of Market street, in the borough of Pottsville, and numbered in Pott and Patterson's additional plan, number fifteen, being the same house and half lot of ground, sold by the sheriff of said county to the commissioners thereof, to secure a debt from a certain Daniel Christian, and as soon as the purchase money is paid to the treasurer of said county, or its payment secured in such manner as said commissioners may direct, the said commissioners shall make and execute under their hands and seal of office, a deed of conveyance to the purchaser, which shall be good and valid to convey all the interest of the said Daniel Christian, divested by the said sheriff's sale, to the said county commissioners.

Deed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 52.

A S U P P L E M E N T

To "An Act to provide for the election of aldermen and justices of the peace," approved the twenty-first day of June, one thousand eight hundred and thirty-nine; and a further supplement, passed April eleventh, one thousand eight hundred and forty, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the tenth section of the act, to which this is a further supple-

ment, as relates to aldermen and justices of the peace, who were in commission at the time of the first election under said act, be and the same is hereby extended to aldermen and justices of the peace elected, and who may hereafter be elected under the provisions of this act.

SECTION 2. That the privileges granted to aldermen and justices of the peace, who were in commission at the time of the first election held under the act to which this is a further supplement, by the third section of "A supplement to an act, entitled 'An Act providing for the election of aldermen and justices of the peace,' approved the eleventh day of April, one thousand eight hundred and forty," be and the same is hereby extended to aldermen and justices of the peace elected, and who may hereafter be elected under the provisions of said act of the twenty-first of June, one thousand eight hundred and thirty-nine.

SECTION 3. That the justices of the peace of this state shall have jurisdiction in actions of debt, on demands not exceeding one hundred dollars, founded on the judgment or judgments of any justice of the peace of any adjoining state, where a similar jurisdiction is given to justices by the laws of such state, founded on the judgment or judgments of justices of the peace in this state: *Provided*, That it shall appear by a copy of the record or docket entry of the proceedings had before such justices, certified and authenticated as hereinafter mentioned, that the original cause of action was such as by the laws of this commonwealth would have been within the jurisdiction of the justices of the peace thereof.

SECTION 4. The plaintiff or the party in interest in such cases shall, as evidence of his demand, produce on the trial a copy of the record or docket entry of the proceedings had before the justice who tried the original action, with his affidavit thereto annexed, certifying the same to be a true and full copy of the record of the proceedings had before him, and that the judgment remains in force, and has not to his knowledge been vacated, annulled, or in any manner satisfied; and further certified by the clerk of the court of common pleas, or clerk of the county where such justice keeps his office, under the hand of such clerk, and seal of the court or county, that the person before whom the proceedings purport to have been had, was at the time an acting justice of the peace of such county, duly appointed or elected, and qualified according to law: *Provided*, That the defendant shall have the right to make the same defence to the action upon said judgment, as he was originally entitled to make to the claim or demand upon which it was founded.

SECTION 5. The copy of the proceedings aforesaid shall be kept by the justice who shall try the case, as a part of the record, and it shall be a part of the record of the proceedings of such justice.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 53.

A SUPPLEMENT

To "An Act incorporating the trustees of the Western theological seminary of the Presbyterian church of the United States of America, at the city of Allegheny, in the state of Pennsylvania."

Preamble.

WHEREAS, By the eleventh section of the act to which this is a supplement, the legislature of this state has reserved the right, at any time hereafter, to construe, alter, amend, or repeal all or any of the provisions of the act to which this is a supplement.

And whereas, The exercise of that right may leave the property which may then be vested in the said corporation, without proper trustees to manage and dispose of the same; therefore,

Trustees may transfer property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in case the legislature of this state shall at any time hereafter construe, alter, amend, or repeal all or any of the provisions of the said act to which this is a supplement, the trustees of the said seminary for the time being shall be and they are hereby authorized and empowered, at any time within one year after any such construing, alteration, amendment or repeal, to convey all the property belonging to them as trustees, as aforesaid, to any number of citizens of this state, not less than three nor more than five, whom they may select, their heirs and assigns, who shall hold the said property thus conveyed to them, their heirs and assigns, for the sole use of the said seminary, any thing in the said act to the contrary notwithstanding.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 54.

AN ACT

To authorize payment for the translation of legislative documents.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the printers to whom the German printing of this commonwealth is or may

be allotted, shall receive as a compensation for translating into German the journals, pamphlet laws, and other legislative documents required to be rendered into German, and for correcting in an accurate manner all proof sheets thereof, the sum of two dollars per sheet of sixteen pages, the accounts thereof to be settled in the manner prescribed by law, for the settlement and payment of accounts for public printing, and the resolution of the 29th April, 1844, relative to the translators of the journals of both houses, is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 55.

A N A C T

Relative to certain turnpike and state roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the Centreville and Donegal clay Donegal clay turnpike road, in Westmoreland county, shall be a public highway, and turnpike declared shall be finished, repaired and kept in repair by the respective super-a public highway. visors of the townships through which said road passes, as other public roads are now constructed and kept up.

SECTION 2. That the old public road leading from the Connemaugh Public road in river, at Clark's mill, to Donegaltown, in said county, is hereby de- Westmoreland clared to be vacated, except the part of said road which lies between county declared Clark's mill and the house of John Hull, where it unites with the said vacated. Centreville and Donegal clay turnpike road.

SECTION 3. That the tenth section of "An Act authorizing the laying State road from out of certain state roads, and for other purposes," passed twenty-second Georgetown to day of April, one thousand eight hundred and forty-four, authorizing Conneaut harbor. certain commissioners to view, locate and extend the state road mentioned in the act to which it is a supplement, from Georgetown to Conneaut harbor, shall be construed to authorize said commissioners to view, locate and extend said road from Georgetown, on the nearest and best route to a point on the Ohio state line, in the direction of the said Conneaut harbor, in the state of Ohio.

SECTION 4. The said commissioners are hereby authorized to employ Duty of commis- one surveyor and two chain carriers, who, together with the said com- missioners. missioners, shall be entitled to receive, for their services, the same compensation as is allowed for the view and location of the road from Pay. Georgetown to Peter Hilliard's; and whenever a fair and accurate draft

Draft.

or drafts of the entire location of said road from Peter Hilliard's to Georgetown, and thence to said point on the state line, in the direction of Conneaut harbor, shall have been made out and deposited with the clerks of the courts of quarter sessions of the respective counties of Butler, Venango and Mercer, then the entire expense of said views and location, shall be settled with the commissioners of each of said counties, and paid by their warrants upon the proper treasurer, for the sum which the services of the persons engaged in said views and locations would amount to on the portions of said roads in each of said counties, and if either of said counties have paid more than its proportion, the same shall be adjusted, equalized and reimbursed, according to the true intent of this section.

Expense, how paid.

Butler and Freeport turnpike.

SECTION 5. That the time for the completion of the Butler and Freeport turnpike road is hereby extended for five years, from the expiration of the time specified by law for its completion.

State road from Butler to the Great Western iron works.

SECTION 6. That David Dougal, George W. Reed, of Butler county, and James Hart, of Armstrong county, are hereby appointed commissioners to view and locate, as soon as practicable, a public road from the town of Butler, to a point at or near the Great Western iron works, by the nearest and best route between said points; and said road shall be so located that the vertical departure from a horizontal line shall at no place exceed five degrees, except at ravines and streams, where, by moderate filling or bridging, the declination of said road may be preserved within that limit.

Duty of commissioners.

Pay.

SECTION 7. That said commissioners are authorized to employ, if they shall deem it necessary, one surveyor, at a rate not exceeding one dollar and twenty-five cents per day, and two chain carriers at an allowance not exceeding one dollar per day, and said commissioners shall each receive, as their compensation, one dollar and twenty-five cents for each day necessarily spent in the discharge of their duties, to be paid by the counties of Butler and Armstrong, in proportion to the time spent in said counties in locating said road, by warrants drawn in the usual way, as soon as said commissioners have completed the location of said road, and made three accurate drafts thereof, noting thereon the courses and distances as they occur, with such other matters as may serve for explanation, one copy whereof to be deposited in the office of the secretary of the commonwealth before the first day of January next, and one copy in each of the offices of the courts of quarter sessions of said counties of Butler and Armstrong, and from thenceforth said road shall be a public highway, and shall be opened to the breadth and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid.

Draft.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 56.

A N A C T

Extending the limits of the borough of Berlin, in Somerset county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the limits of the borough of Berlin, in Somerset county, are hereby extended as follows, viz: Beginning at a stone corner of a line which is south seventy-nine degrees east one hundred and sixteen perches, thence south seventy-nine degrees east nineteen perches to a stone, thence north eleven degrees east fifteen perches to a stone corner of line south seventy-nine degrees east nineteen perches.

SECTION 2. That the persons who now or may hereafter reside *Residents.* within the above described limits, shall be considered as residing within the limits of the said borough of Berlin, and shall enjoy all the privileges, and shall be subject to all duties and restrictions of persons residing within the other parts of said borough.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 57.

A N A C T

Relating to the support and employment of the poor in Northampton county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the directors of the poor and of the house of employment for the county of Northampton, in all orders of relief, whether directed to said directors or to any constable in said county of Northampton, shall have either in person or by some person by them duly authorized for that purpose, the same power and authority to execute such orders as constables now have by law. And the said directors shall pay to the person or persons employed by them to execute said orders, such compensation as *Orders for relief.*

they may think right, not exceeding the fees now allowed by law, to the constables for such service.

Certain provisions extended to Northampton county.

SECTION 2. That the provisions of the twenty-ninth, thirtieth, and thirty-first sections of the act of assembly, passed the thirteenth day of June, one thousand eight hundred and thirty-six, entitled "An Act relating to the support and employment of the poor," are hereby extended to all cases in the county of Northampton, where any man, being of sufficient ability, shall neglect or refuse to provide for his wife or children, so as to leave them or any of them a charge upon the guardians, overseers or directors of the poor of the district in which they reside or are chargeable.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 58.

A N A C T

Relating to the estate of Lydia Hayley, deceased.

Preamble.

WHEREAS, Lydia Hayley, of the township of Londongrove, in the county of Chester, lately died intestate, leaving no husband, issue, father or mother, and (being illegitimate) without any legal heirs: *And whereas*, her nearest relatives are Thomas Powell and Rosanna Lewis, who are children of the same father, and Catharine Ann, Mary, William, Thomas, Ascenith Ellen, and Rosanna Conard, minor children of Eleanor Conard, deceased, who was a daughter of the same father with Lydia Hayley: *And whereas*, the estate of the said Lydia Hayley has been escheated to the commonwealth; therefore,

Commonwealth's interest released.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the claim and interest of the commonwealth in and to the estate of the said Lydia Hayley, deceased, is hereby released to and vested in Thomas Powell, Rosanna Lewis, Catharine Ann Conard, Eliza Jane Conard, Mary Conard, William Conard, Thomas Conard, Ascenith Ellen Conard, and Rosanna Conard, in such shares and proportions as if the same had descended to them from their lineal ancestor; and in case the said estate shall have been paid into the treasury, the state treasurer is hereby authorized and required to pay the same to Ellis L. Pusey, administrator of the said Lydia Hayley, for the purpose of distribution among the persons above named: *Provided*, That before the provisions

State treasurer.

Proviso.

of this act shall go into effect, the costs attending the escheat, amounting to the sum of ninety-one dollars and thirty-four cents, already paid out of the treasury, shall be repaid and refunded to the state treasurer.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 59.

AN ACT

To reduce the expenses in Berks and Washington counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met; and it is hereby enacted by the authority of the same,* That the commissioners of Berks county that may be hereafter elected or appointed, shall respectively receive out of the county treasury the sum of one dollar and fifty cents for each day they shall necessarily attend to their duties: *Provided,* That the pay of any one of the commissioners shall not exceed one hundred and fifty dollars per annum. Pay of commissioners of Berks county.

SECTION 2. That from and after the passage of this act, the county commissioners, auditors, and directors of the poor, for the county of Washington, shall each receive one dollar and fifty cents per day for their services: *Provided,* That the county commissioners aforesaid shall not be entitled to receive a greater amount than two hundred dollars each for their services, in any one year. Pay of commissioners, auditors, &c., in Washington county.

SECTION 3. That the inspectors, judges and clerks of elections, in the county of Washington, shall be entitled to receive one dollar each for their services in holding an election, and no more, except the judges, who shall be entitled to receive six cents per mile circular, for every mile necessarily travelled, in making the return of an election. Pay of election officers in Washington county.

SECTION 4. That so much of any law as is hereby altered or repealed, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 60.

A SUPPLEMENT

To an act, entitled "An Act relating to roads, highways and bridges in the counties of Warren, Venango and M'Kean, and for other purposes," passed ninth day of April, Anno Domini, eighteen hundred and forty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act to which this is a supplement shall not be construed in such a manner as to except the county of Warren out of its provisions, any exceptions in the sixth section of the said act to the contrary notwithstanding; and the exceptions in the said sixth section of said act shall be construed to mean, that the county bridges in the counties of Venango and M'Kean are excepted out of the operations of the said act.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 61.

AN ACT

Authorizing the commissioners of M'Kean county to appropriate a sum of money for the purpose of making a certain road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of M'Kean county are hereby authorized to expend a sum of money, to be drawn from the funds of said county, not exceeding the sum of two thousand dollars, in making a certain road, beginning at or near the mouth of Sugar Creek run, thence to the state road leading from Smethport, in the county of M'Kean, to Warren, in the county of Warren, and intersecting said state road about one mile west of the residence of Jonathan Marsh; and that the said money shall be expended on said road by and under the direction of the commissioners of roads and highways in the township or townships through which said road passes, in the same manner, and subject to the same regula-

tions as other moneys are laid out which are raised in said township or townships for road purposes.

SECTION 2. The work on said road shall commence as soon as may be after the first day of May next, and all the moneys appropriated by virtue of this act shall be faithfully expended on said road before the first day of September of the present year. Commencement.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 62.

A FURTHER SUPPLEMENT

To the act, entitled "An Act to incorporate the American Insurance company of Philadelphia."

WHEREAS, The American insurance company are desirous of extinguishing the capital stock of said company, whenever the accumulations from the profits of their business are such as to afford them a sufficient capital for the indemnity of their assured members; therefore, Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the board of directors of the said company shall have power, in addition to subjects in which investments may now be made, as mentioned in the fifteenth section of the act, entitled "An Act to incorporate the Delaware county insurance company," to invest, from time to time, the surplus profits of the American mutual insurance company, or the accumulations of such profits, in the purchase of the stock of the said company, at the current market rates, to be held and represented by the company, as to all matters pertaining to dividends and interest in the property and profits of the company, in the same manner as if it had continued to be held by others than the company. Dividends, &c.

SECTION 2. That the board of directors of said company shall have power, from time to time, and whenever they shall deem it expedient, to sell at public or private sale, all or any part of the real estate, stocks, property and securities in which the assets of the company represented by the stock of the company are invested, and to divide the proceeds among the holders of said stock, pro rata, until the whole of said assets are exhausted; and upon ten days notice, published daily in two newspapers of the city of Philadelphia, of the declaration of a final dividend, the holders of said stock shall cease to be members of the said corporation, and whenever dividends shall have been declared and published as

aforesaid, equal to fifty per centum of that valuation of the said stock, which occurred last before the commencement of such distribution of the said assets, the ratio of voting on such stock shall from thenceforth be but one vote to two shares of such stock, at which ratio it shall continue until finally extinguished as aforesaid.

Approval of
stockholders.

SECTION 3. That the provisions of the second section of this act shall not go into effect until the written approval, acceptance and consent of stockholders holding a majority of the whole number of shares, in writing, to the same, shall have been had and obtained, and that such written approval, acceptance and consent shall be recorded in the office for recording deeds in and for the city and county of Philadelphia, and that a certified copy of such record, under the seal of said office, shall be evidence of such written approval, acceptance and consent, in all the courts of this commonwealth and elsewhere.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 63.

A N A C T

To incorporate the Presbyterian congregation of Middle Smithfield township, in the county of Monroe.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Presbyterian congregation of the township of Middle Smithfield, in the county of Monroe, be and they are hereby created into one body politic and corporate, in deed and in law, by the name, style, and title of the members of the Presbyterian church and congregation of Middle Smithfield, in the county of Monroe.

Powers and privi-
leges.

SECTION 2. By the same name said corporation shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, to take and to hold to them and to their successors, for the use of said church and congregation, lands and tenements, goods and chattels, of whatsoever kind, nature or quality, real or personal, which is now or hereby shall become the property of said church or congregation by gift, grant, bargain, sale, conveyance, assurance, will, devise, or bequest, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of, for the use of said church and congregation; and

to erect, if necessary, or enlarge any building for the purpose of worship, as the same may be directed by a majority of the congregation, that may be present at a meeting to be held for that purpose, of which said meeting at least two weeks notice shall be given from the pulpit, or in any way a majority of the trustees shall direct, and generally to adopt all such measures as may lawfully be done for the well being and due management of the affairs of said church and congregation: *Provided*, The clear yearly value or income of said estate shall not, for any year, exceed one thousand dollars.

SECTION 3. The trustees of said church and congregation shall be five in number, and, until others shall be appointed, shall consist of Jacob Shoemaker, Peter Jayne, George Peters, John Fruchey, and Findlay Bush, who shall continue in office until the first Monday of January next, and on the same day annually thereafter, the members of the said church and congregation may, at any general meeting thereof, by a majority of the persons present at said meeting, elect five persons to serve as trustees for the ensuing year; and if vacancies, by death or otherwise, shall happen in the board of trustees, the remaining trustees may appoint others to supply such vacancy or vacancies until the next annual election of said trustees. Trustees.

SECTION 4. The said trustees and their successors shall have full power to enact and enforce such by-laws and ordinances as they shall think proper for the regulation and transaction of the business of the said church and congregation, and to make, have, and use a common seal, and the same to break, alter, and renew at their pleasure; and shall have power also to change the time of holding the general election, if the same should be deemed advisable: *Provided*, That the said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state, or of the United States. By-laws.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, Anno Domini one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 64.

AN ACT

Authorizing William Mills to collect certain outstanding taxes in the borough of Chambersburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the chief burgess of the borough of Chambersburg, in the county of Franklin, be and he is hereby authorized and required to issue new warrants to William Mills, collector of borough taxes for the said borough, for the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one, empowering him to collect certain outstanding taxes on his duplicates for said years, and the said warrants when so issued shall be sufficient in law to enable him to collect said outstanding taxes, and he shall have the same powers under them as were granted to him by the warrants originally issued on said duplicates.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 65.

A SUPPLEMENT

To "An Act relative to certain parts of the estate of Elizabeth Powel, deceased."

Preamble.

WHEREAS, Elizabeth Powel, by her last will and testament, proved in the register's office of the city and county of Philadelphia, on the twenty-fifth day of January, A. D. eighteen hundred and thirty, did devise a certain lot of ground and buildings on the north side of Chesnut street, between Sixth and Seventh streets, where she then resided, with the appurtenances, to her nephew John Hare Powel, for life, without impeachment of waste, with full power to lease the whole or any part thereof, upon irredeemable ground rents for ever, and to lay out and open alleys through the same; and did further devise that so far as the same should not be let out on ground rent as aforesaid, the said lot and buildings together with any ground rents thereout created during the life

of the said John Hare Powel, should upon his death be sold by her executors or the survivors or survivor of them in fee simple: *Provided*, The said John Hare Powel should, then have a child or grand-child living, and the net proceeds thereof be equally divided between such of the children of the said John as might then be living, and the testatrix's great nephew John Sterling, so that the said John Sterling should have an equal share thereof with each and every of the said children; and with further provision that the issue of any deceased child of the said John Hare Powel should take their parent's share, and that if the said John Sterling should then be dead, leaving a child or children, the said child or children should in like manner take their parent's share; but in case at the decease of the said John Hare Powel no one of his children or grand-children should be then living, the testatrix then devised the said lot of ground and buildings, with any ground rents which might be so reserved, to the said John Sterling, in fee simple, or in case of his death, to such of his children as might then be living, in fee simple as tenants in common.

And whereas, The said John Hare Powel having been unable to dispose of the said lot or any part of it upon irredeemable ground rents, without a great sacrifice to those in remainder, proceeded to improve the same with his own funds at a great expense, and the difficulty of disposing of the same, reserving irredeemable ground rents according to the power in the will, has, from the general course of business in the buying and selling estates on irredeemable ground rents, become insuperable, without an immense sacrifice in point of value.

And whereas, Samuel Powel, De Veaux Powel and Baring Powel, being all the children of the said John Hare Powel, who are not in their minority, as well as the said Sterling, have expressed their assent to the legislature that an act shall be passed authorizing the said John Hare Powel to reserve a redeemable rent or rents upon the execution of the said power, in the manner hereinafter mentioned; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the said John Hare Powel be and he is hereby authorized to grant, bar, John Hare Powel authorized to sell real estate. gain and sell to any person or persons in fee simple, all or any part or parts of the aforesaid lot of ground and buildings thereon erected, situate on the north side of Chesnut street, in the city of Philadelphia, formerly the residence of Elizabeth Powel, containing in front about seventy-three feet eight inches, and extending in depth one hundred and fifty feet to Carpenter street, be the same more or less, with the appurtenances, reserving as the entire consideration of what is so bargained and sold, a perpetual annual rent or rents in trust for the purposes of the said last will, payable quarterly and redeemable or extinguishable within any number of years, not less than two from and after the execution of the said conveyance or conveyances, respectively, by the payment of a sum of money not less than sixteen years and two-thirds of a year purchase of the said annual rent: *And provided further*, That the redemption or extinguishment money shall be made payable to trustees, to be previously appointed by the court of common pleas of the county of Philadelphia, or to their legal or duly appointed successors or successor in the trust, by whom alone the release of the said rents shall be executed, and when paid shall be by him or them invested Investment. under the authority of the said court in debt of the United States or of this state, or of the city of Philadelphia, or in real securities in his or their name or names, in trust, as to both principal and interest, for the same persons,

Ground rents.

estates, uses, and trusts, declared in the said will of and concerning the said lot of ground and buildings, and the irredeemable rents reserved thereout respectively, and subject to the like power of sale by the executors of the said will, on the death of the said John Hare Powel, so far as the said rents shall not be then extinguished; but no person paying the said redemption money shall be bound to see to the investment or application thereof.

Rents, to whom paid.

SECTION 2. The said John Hare Powel, without the joinder of the said trustees, shall, during his life, and so long as the said rents shall remain unredeemed, be authorized to demand and receive the said rents reserved for his own use, and to recover the same by distress or suit at law in his own name, in like manner as if the said trustees were parties to such distress or suit, or as if the covenant for payment thereof had been made with the said John Hare Powel and his heirs alone.

Extinguishment.

SECTION 3. The rents so as aforesaid reserved, shall, until redemption, be of the same validity as if the same had been reserved irredeemably according to the power in the said will; and when the same shall be extinguished as aforesaid, the said rents shall cease, and the lot and buildings shall, by virtue of the release or releases so given by the said trustees, who are hereby authorized to execute the same, be discharged therefrom, and from all claim by all persons claiming or to claim under the said will, as if they had joined in the execution of the said release and releases; and upon the death of the said John Hare Powel, the said rents or such parts thereof, and the said lot of ground and buildings, and the said rents so far as they shall not have been redeemed, and the securities in which the said redemption money shall have been or shall then be invested, shall be subject to the same powers of sale and distribution by the executors of the said will, and by the survivors or survivor, and for the use of the same person and persons, as are declared in the said will in regard to the said lot and buildings, and any irredeemable rent that might have been created or reserved thereout.

Trustees' bond.

SECTION 4. The trustees directed to be appointed by the first section of this act, are required, before they proceed to the performance of their duties, to execute a bond to the commonwealth of Pennsylvania for the use of all persons interested with sufficient security, and in such penalty as the court may direct and approve, with conditions for the faithful application of the redemption or extinguishment money received by them, agreeably to the provisions of the first section of this act.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-eighth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 66.

AN ACT

To perfect the charter of the United Lutheran Reformed congregation of Selinsgrove.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a corporation is hereby created by the name, style and title of the vestry of United Lutheran and Reformed congregation of Selinsgrove, in the county of Union, and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere; and that the Lutheran congregation of Selinsgrove, worshipping in the old Lutheran church, shall be able to sustain, in all courts of law or elsewhere, an action or actions, in the name of the vestry of the United Lutheran and Reformed congregations of Selinsgrove, for the recovery of any legacy or legacies devised to said Lutheran congregation, or any other claim whatsoever, embracing any action or actions now pending, in the name, style and title aforesaid, for the use of the Lutheran congregation aforesaid; and the said congregation shall be able and capable, in law and equity, to take, hold and receive, to them and their successors, for the use of the said congregation, lands, tenements, goods and chattels of whatsoever kind, nature or quality, real personal or mixed, which is now or shall or may at any time hereafter become the property of said corporation, or to be held for their use, by gifts, grants, bargains, sales, conveyance, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and to grant, bargain, sell, mortgage, improve or dispose of the same for the use of the said corporation: *Provided*, That the yearly value or income of said corporation shall not, at any time, exceed the sum of two thousand five hundred dollars, and shall not be appropriated to any other than benevolent or religious uses: *And provided also*, That in any legacy or legacies that have or may be devised to either of said congregations, the other is not to interfere with, but that the same remain for the separate use of the congregation to which the same may be devised.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 67.

A SUPPLEMENT

To the act, entitled "An Act to incorporate the Philadelphia cemetery company in the township of Moyamensing," passed the eighth day of April, one thousand eight hundred and thirty-three.

Preamble.

WHEREAS, The eighth section of the act, entitled "An Act to incorporate the Philadelphia cemetery, in the township of Moyamensing," passed the eighth day of April, one thousand eight hundred and thirty-three, might be so construed as to release the Philadelphia cemetery from any assessments for work done and materials furnished by "the commissioners and inhabitants of the township of Moyamensing," in front of the said Philadelphia cemetery; therefore,

Assessments.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the eighth section of the act, entitled "An Act to incorporate the Philadelphia cemetery company in the township of Moyamensing," passed the eighth day of April, one thousand eight hundred and thirty-three, shall not be so construed as to release the Philadelphia cemetery from any assessment or assessments made, (or which may at any time hereafter be made,) by "the commissioners and inhabitants of the township of Moyamensing," for work done and materials furnished by them in laying the conduit, and in curbing and paving the streets and footways in front of the Philadelphia cemetery, the said section having been intended to release the said Philadelphia cemetery from any assessment or assessments for county and township taxes only, and for no other purpose whatever.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 68.

AN ACT

Supplementary to "An Act to incorporate the city of Pittsburg."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever one hundred of the qualified electors of one or more of the adjoining sections laid out in Pitts township, Allegheny county, under

the act of assembly of sixteenth June, eighteen hundred and thirty-six, not less in extent than one of the wards of the city of Pittsburg, and containing not less than three hundred inhabitants, shall make written application to the court of quarter sessions of said county, it shall be the duty of the judges of said court to fix a day and place, when and where an election shall be held, and to appoint three citizens of said county, not residents or property holders in said applying district, to hold an election: *Provided*, That such election shall not be held until at least ten days notice of the time and place of holding such election shall be given in at least two of the daily newspapers in said city.

Admission of new wards into the city of Pittsburg.

Election.

SECTION 2. That the persons thus appointed shall be sworn or affirmed justly and faithfully to perform the duties for which they were appointed according to their best judgments, and shall appoint two competent persons, who shall also be sworn faithfully and honestly to perform their duties, as clerks of the election, by writing down the names of all persons whose votes shall be received on that day.

Oath.

SECTION 3. That the freeholders and taxable citizens of said applying sections shall each be entitled to hand in one ticket, printed or written, having on the outside the word "Pittsburg," and in the inside the words "for admission," or "against admission," according to the wish of the elector.

Citizens to vote for or against admission.

SECTION 4. That when said election is closed, the said judges and clerks shall proceed to count the tickets "for admission" and those "against admission," and shall then make out duplicates of the whole number of votes given, of the number of votes "for admission," and the number "against admission," and seal up the same, and deliver one of the certificates to the president of the court, and the other certificate to the mayor of the city, who shall lay the same before the councils at their next meeting.

Certificates of result.

SECTION 5. That if a majority of the said votes shall be "against admission," the mayor shall give notice to that effect in the two newspapers which published the notice of the election; and if the majority of votes shall be "for admission," the select and common councils of the city of Pittsburg are hereby authorized to receive said portion of Pitt township as an additional ward of said city, and the inhabitants of said ward shall thereupon have all the rights and privileges of citizens of Pittsburg.

Notice.
Proceedings in case of admission.

SECTION 6. That after the admission of any such portion as a separate ward, as aforesaid, the mayor of said city is hereby authorized to issue his proclamation, giving twenty days notice of the time and place of holding an election in and for said ward, for three members of the select council and five members of the common council of said city, and two aldermen for said ward; and the said election shall be held under the superintendence of an alderman, to be appointed by said mayor, and shall be otherwise conducted in all respects as other city elections for said officers, and the select council shall divide the numbers thus elected by lot into classes, as provided for by the act incorporating said city, passed March eighteenth, one thousand eight hundred and sixteen.

Mayor's duty.

Election of officers.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 69.

AN ACT

To enable the executors of Jacob Kline, deceased, to sell and convey certain real estate.

Preamble.

WHEREAS, It is represented that by virtue of a writ of venditioni exponas, the sheriff of the county of Bucks, exposed to public sale three several messuages and lots of land in the borough of New Hope, in said county, as the property of a certain Aaron Lambert, and that a certain Jacob Kline, of Trenton, in the state of New Jersey, became the purchaser thereof, and a deed in due form of law was acknowledged in open court to the said Jacob Kline, for the messuages and lots aforesaid, and the purchase money paid by the said Jacob Kline.

And whereas, It is further represented that the said Jacob Kline, both before and after the said sale, agreed with a certain Mary Ann Lambert, by parol, that he would convey the said messuages and lots of land to her upon her paying the amount of the purchase money to him.

And whereas, The said Jacob Kline died suddenly without carrying the said contract into effect, and without any part of it being executed, leaving a will by which he appointed his wife executrix thereof.

And whereas, The said executrix is desirous to complete the said contract, and the said Mary Ann Lambert is also desirous that the said messuages and lots should be conveyed to her, in pursuance of the agreement aforesaid; therefore,

Executrix of Jacob Kline authorized to sell real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said executrix of the said will of the said Jacob Kline, be and she is hereby authorized and empowered to convey by deed to the said Mary Ann Lambert, in fee simple, all the estate, right, title, and interest of the said Jacob Kline, of and in the said three messuages and tracts of land, so as aforesaid conveyed to him by the said sheriff of the county of Bucks, which deed and conveyance shall be as valid, and have the same force and effect as if it had been executed by the said Jacob Kline in his life time: *Provided always,* That at the execution of the said deed, the said Mary Ann Lambert shall pay to the said executrix, for the use of the estate of the said Jacob Kline, the purchase money paid by him for the said lots, with interest till the time of payment.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 70.

A SUPPLEMENT

To the several acts incorporating the borough of Wilkesbarre, in the county of Luzerne, and the borough of Northumberland, in the county of Northumberland.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That here- Borough of Wilkesbarre. after it shall be the duty of the high constable of the borough of Wilkesbarre to give bond to the burgess and town council, in such sum as may be required, not exceeding two thousand dollars, with one or more sufficient sureties for the faithful discharge of the duties of his office, within ten days after his election: *Provided- however,* That if the person elected to the office of high constable aforesaid be a freeholder, unincumbered to the amount of two thousand dollars, then and in that case he may be qualified without giving bail.

SECTION 2. That hereafter it shall be the duty of the high constable Borough of Northumberland. of the borough of Northumberland, to give bond to the burgess and town council in such sum as may be required, not exceeding five hundred dollars, with one sufficient surety for the faithful discharge of the duties of his office, within ten days after his election: *Provided how- Proviso. ever,* That if the person elected to the office of high constable aforesaid be a freeholder, unincumbered to the amount of five hundred dollars, then and in that case he may be qualified without giving bail.

SECTION 3. That after the year A. D. one thousand eight hundred Elections in borough of Northumberland. and forty-five, it shall be the duty of the inspectors and judges of the election district of the borough of Northumberland, to conduct the election for borough officers, as well as for inspectors, judge and assessors, at the same time and place where such elections for inspectors may be held; and so much of the act of assembly incorporating the borough of Northumberland as may be inconsistent herewith, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 71.

AN ACT

To incorporate the Methodist Episcopal church of Waynesburg, in the county of Greene.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Methodist church in the borough of Waynesburg, in the county of Greene, be and the same is hereby created into a body politic and corporate, in deed and in law, by the name, style and title of the "Trustees of the Methodist Episcopal church of Waynesburg," and by that name shall have perpetual succession; and the present trustees who have been appointed agreeably to the discipline of said church, and their successors in office, shall be able to sue and be sued, to plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and equity to take and hold to them and their successors for the use of said church, lands, tenements, goods, and chattels, of whatsoever kind, nature and quality, real, personal or mixed, which now is or shall hereafter become the property of the said church, or be held for its use by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise from any person whomsoever capable of making the same, and the same to grant, bargain, sell, or otherwise dispose of for the use of the said church: *Provided however,* That no such sale, disposal or alienation shall be legally valid without having first obtained the consent of at least two-thirds of said trustees, at a special meeting regularly called for that purpose, and afterwards approved by a majority of the members of the quarterly conference of the circuit or station including Waynesburg: *Provided also,* That the yearly value or income of said estate shall not at any one time exceed two thousand dollars, and shall not be appropriated to any other than benevolent or religious purposes.

Name.

Powers, &c.

Proviso.

Income limited.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 72.

AN ACT

To alter and amend the act incorporating the White Hall mutual fire insurance company of parts of Bucks and Montgomery counties.

WHEREAS, A number of the citizens of Bucks and Montgomery counties, sensible of the importance, and desirous of securing the advantages of an insurance against loss by fire, believing that the only true foundation for insurance is benevolence, and its legitimate object assistance in distress, they desire to be associated together for the purpose of mutually insuring each other against loss from the destruction of their property by fire; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jonathan Evans, William Harrar, Samuel Walter, Henry Landis, John Shipe, Isaiah James, Michael Snyder, David Evans, Henry Mathias, and David R. Johnson, and such other persons as are or may be associated with them under the authority of the same, are hereby made a corporation by the name of the "White Hall mutual fire insurance association, of parts of Bucks and Montgomery counties," and they, or their successors, citizens of New Britain, Warrington, Doylestown, Hilltown, Warwick, Montgomery, and Hatfield townships, and parts adjacent in said counties, are hereby made a body politic and corporate in law, with all the legal incidents of a corporation aggregate: *Provided,* That they shall not have power to hold a greater amount of real estate than is necessary for the use of the corporation in the transaction of the business thereof, or such as shall be taken in security for and in payment of debts; nor shall the yearly income thereof exceed one thousand dollars; nor shall any by-laws be repugnant to this instrument, the constitution of the United States or of this commonwealth.

SECTION 2. The power of this association shall be vested in a president and ten managers, who shall severally perform the duties usually appertaining to their offices, and such other services as the society may direct.

SECTION 3. Any person may become a member of this association by subscribing to this constitution, paying twenty-five cents into the treasury, and otherwise complying with its rules and regulations.

SECTION 4. The general meetings of this society shall be held annually on the first Thursday in June, at some convenient place fixed upon by the society at a previous meeting, at which time all the officers, including a treasurer and secretary, shall be chosen by ballot, each member present being entitled to one vote, and also whenever called for by the board of managers, or whenever requested by twenty members, and the members shall, at such general meeting, pass all by-laws, rules and regulations, necessary for the well government of the affairs of the corporation; the board of managers shall, at the annual meeting of the members, exhibit to the company an accurate statement of its affairs; all elections for officers shall be conducted by three judges chosen by the members present at each annual meeting, who shall cer-

tify under their hands the results of such election, and the same to be filed with the papers of the society.

Insurance.

SECTION 5. The president and managers shall have full power, on behalf of said corporation, to make insurance against losses by fire on any house, tenement, barn or other buildings, any goods, wares, merchandize and effects, and household furniture therein, and on hay and other agricultural products in barns, stacks or otherwise, and generally on all kinds of goods and merchandize and effects, (except books of accounts, bills, bonds, ready money, jewels, plate, paintings, engravings, woolen and cotton factories, powder mills and flouring mills with drying kilns attached, distilleries, spiritous liquors, and public buildings,) to make, execute and perfect such and so many contracts, bargains, agreements, policies and other instruments, as shall or may be necessary, and as the nature of the case shall or may require, and every such contract, agreement and policy to be made by said corporation, signed by the president and attested and assigned by the secretary, and also shall be signed by the party insured; and the president and managers are hereby empowered to have made and procure a seal, with such device as they may deem proper, to be used by them as the common official seal of the association.

Policies.

Seal.

Rates.

SECTION 6. The members shall, at their general meetings, fix such rates of insurance and incident charges, and fees, as may be deemed equitable and proper; and any person who shall become a member of this association shall, the first time he or she effects insurance, and before he or she receives his or her policy, pay the rates that shall be fixed and determined upon, and no premium so paid shall ever be withdrawn from the said corporation during the continuance of its charter.

Assignments.

SECTION 7. In case any party to any policy or deed of insurance granted by this association, shall sell, convey or assign the premises insured, it shall be lawful for such party to assign or deliver to the purchaser such policy or contract of insurance, the association shall not be bound after the transfer or assignment of any such subject of insurance made by them, until the transfer shall have been made and recorded by the secretary.

Issue of policies.

SECTION 8. No policy shall be issued by this corporation until application be made for insurance to the amount of three hundred thousand dollars.

Investment of money.

Dividends.

SECTION 9. It shall be lawful for said society to employ and improve all moneys received by them, and the profits thereof, in the purchase of any ground rent or mortgages, or in any liens on good and sufficient security; and no money shall be drawn from the funds of the said society, for the purpose of making dividends or dividing profits, nor for other purposes than, first, to defray the current or incidental charges of the corporation, and then for the purpose of such damages as any member of this association or insurer may be justly entitled to in consequence of fire.

Losses.

SECTION 10. When any of the members of this society sustain a loss by fire, they shall give immediate notice thereof to the president, and he shall then appoint any five from the board of managers, a majority of whom shall view the premises, and after hearing the necessary evidence, upon oath if required, shall determine the sum which sufferers are lawfully entitled to; and when the just demands of any insurer in said association, or member thereof, shall exceed the amount of its available funds on hand, such sums as will be sufficient to pay the

same, together with the necessary expenses, shall, without unnecessary delay, be assessed by the said managers on the insurances, each member to pay in proportion to the amount they have insured.

SECTION 11. It shall be the duty of the secretary to put up three public advertisements in each different township of the association, publishing the nearest estimation of the loss, and the per centage falling upon the different members of the association, and it shall be the duty of each and every member, within fifty days after the occurrence of any fire in the premises insured by this association, to pay into the hands of the treasurer his, her, or their proportionable part of such rates as may be assessed by the managers, and in default of such payment he, she, or they, and every of them making such default therein, shall forfeit and pay such additional per centage as the managers shall deem sufficient for collecting the same; and they shall also appoint a collector, who shall be furnished with a warrant, signed by the president, authorizing him to collect the said rates and forfeitures, and vesting in him all powers and privileges usual to a collector of county rates and levies. Notice.

SECTION 12. Suits at law may be prosecuted and maintained by any member against said corporation for losses or damages insured by them, if payment is withheld more than ninety days after the association is duly notified of such losses; and no member of the corporation not being in his own individual capacity a party to such suit shall be incompetent as a witness: *Provided*, The managers do not agree to rebuild or replace the property lost or damaged, in which case a reasonable time shall be allowed them. Suits at law. Proviso.

SECTION 13. It shall be the duty of the insured, on any building in which a fire is kept, to procure a place, made of iron, stone or brick, to contain the ashes, within twenty days from the time of obtaining such insurance, otherwise the policy shall be void. Ashes.

SECTION 14. If at any time it shall appear that the chartered privileges hereby granted, are injurious to the public welfare, the power thereof to repeal shall not affect any engagement to which the said corporation may have become a party previous thereto, and the said corporation shall have a reasonable time to bring their accounts to a final settlement. Reservation.

SECTION 15. Any amendment or alteration may be made to the by-laws at any general meeting by a majority of the members of the society: *Provided*, The same is not repugnant to the constitution of this commonwealth, or of the United States, or the provisions of this act. By-laws.

SECTION 16. So much of the act, passed the fourteenth day of April, A. D. one thousand eight hundred and forty-three, and the act to which the same is a supplement, which is inconsistent with the provisions of this act, is hereby repealed, so far as the same relates to the said White Hall mutual fire insurance association. Repeal.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 73.

A SUPPLEMENT

To "An Act to incorporate the borough of West Philadelphia."

Constables. **Proviso.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the inhabitants of the borough of West Philadelphia, qualified to vote for borough officers, shall and they are hereby empowered at every election hereafter for such officers, to elect two citizens of said borough as constables thereof; and it shall be the duty of the town council of said borough, to appoint one of the said constables to be high constable thereof: *Provided,* That no person shall be allowed to vote for any of the officers of said borough, unless he shall have resided therein six months next preceding the election.

Police magistrates. SECTION 2. That one of the justices of the peace elected within the said borough, may, by the town council thereof, be appointed annually as police magistrate thereof, and that the burgess of the said borough during his continuance in office, shall be and he is hereby invested with the powers and authority of a police magistrate.

Poor tax. SECTION 3. That the town council of said borough shall be and they are hereby invested with the power to levy, assess and collect, in addition to the borough tax, a tax for the support of the poor within said borough, the same to be drawn out of the borough treasury in such sums by the overseers of the poor, as the said town council may deem necessary and proper; and that the overseers of the poor to be hereafter elected within the said borough, shall, before entering upon the duties of their office, take and subscribe an oath or affirmation before one of the justices of the peace of said borough, faithfully to perform the duties of their offices, and to account with the town council of said borough for all moneys received by them as such, and said overseers of the poor shall be entitled to receive for their services, such compensation as the said borough council may deem reasonable and proper.

Dog tax. SECTION 4. That from and after the passage of this act, it shall and may be lawful for the town council of the said borough of West Philadelphia, and they are hereby authorized to assess and collect, on each and every dog owned or kept by any citizen or inhabitant of said borough, the sum of fifty cents; for every second dog one dollar; and so on in proportion to the number kept by each citizen or inhabitant of said borough, to be applied by said town council towards the maintenance of the poor of said borough of West Philadelphia.

Debts. SECTION 5. That all real estate within the borough of West Philadelphia, shall be subject to the payment of the debts contracted by the council of the said borough of West Philadelphia, for or by reason of any work done, or material furnished for or in pitching, curbing and paving any street or footway in front of said real estate, before any subsequent lien: *Provided,* That nothing herein contained shall in any wise impair or affect such liens, as are existing at the time of passing this act.

SECTION 6. That all elections within said borough, shall be hereafter Elections. held at the public school house within the same; so much of any law of this commonwealth as is hereby altered or supplied, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of March, A. D. one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 74.

AN ACT

Authorizing the governor to incorporate the Skippack turnpike road company of Montgomery county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of making a turnpike road, commencing at the junction of the Skippack road with the Chesnut Hill and Spring House turnpike road, in Whitmarsh township, Montgomery county, and running through Skippackville to where the Skippack road intersects the Swamp road, in Perkiomen township, in said county, John Jones, John Rex, Abraham Wentz, Joseph M. Mather, Morris Longstreth, Jacob G. Sorber, Cornelius Tyson, Henry Bergstresser, Jesse Gable, Charles Hendricks, Abraham Heidrick, be and are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first Monday of May next, procure one or more books and enter in each of them as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Skippack turnpike road company, the sum of fifty dollars for every share of stock set opposite our respective names, in such manner and proportion, and at such time and place as shall be determined by the president and managers of the said company, in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the Skippack turnpike road company of Montgomery county.' Witness our hands the day of in the year of our Lord one thousand eight hundred and ." And thereupon shall give notice in two or more of the public newspapers printed nearest the route of said road, for one month at least, of the times and places where the said books shall be opened to receive subscriptions for the stock of the said company, at which times and places some one of the commissioners shall attend, and permit all persons of lawful age who shall offer to subscribe in the said books, in their own name or in the name of any other person or persons who shall duly authorize the

Commissioners.

Form of subscription.

Notice.

Subscriptions.

same, for any number of shares of said stock ; and the said books shall be kept open for that purpose at least six hours in each juridical day for the space of three days, or until said books shall have one thousand shares therein subscribed, and if at the expiration of the said three days, the books aforesaid or either of them shall not have the respective number of shares aforesaid therein subscribed, the said commissioners respectively may adjourn from time to time and transfer the said books from place to place until the whole of the shares shall be subscribed, of which adjournment the said commissioners shall give such notice as they may deem necessary, and when the whole number of shares subscribed shall amount to one thousand the same shall then be closed: *Provided always*, That every person offering to subscribe in the said books in his own name, or in the name of any other person, shall previously pay the attending commissioner five dollars for every share to be subscribed, out of which shall be paid the expense attending the taking such subscriptions and other incidental charges, and the remainder shall be deposited in the Bank of Montgomery County, for the use of said corporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Proviso.

Letters patent.

Name.

Powers, &c.

SECTION 2. That when ten or more persons shall have subscribed two hundred and fifty or more shares of the said stock, the commissioners or a majority of them shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each of them to the governor. And thereupon it shall and may be lawful for the governor by letters patent under his hand and the seal of the state, to create and erect the subscribers, and also those who may afterwards subscribe, into one body politic and corporate, by the name, style and title of "The Skippack turnpike road company;" and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they may think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring, conveying in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing every other matter and thing which a corporation or body politic may lawfully do.

Organisation.

SECTION 3. That the subscribers, as soon as may be convenient after said letters patent shall be issued, shall give notice in one or more newspapers printed in Montgomery county, of the time and place by them appointed, not less than thirty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, in person or by proxy, one president, eleven managers, one treasurer, and such other officers as the company shall think necessary to conduct the business of said company for one year, and until such other officers be chosen and organized agreeable to the provisions of this act; and in case of the death, removal, or resignation of any president or manager, the board of managers may and shall choose another person to supply the vacancy until the next annual election. The board of managers may make and have one common seal, and the same may break, alter or renew at pleasure, and may make such by-laws, rules, orders, and regulations, not inconsistent with the constitution and laws of this state, as shall be necessary for the

Vacancies.

Seal.

By-laws.

well ordering the affairs of the corporation: *Provided*, That each stockholder shall be entitled to one vote for every share of stock by him or her held, not exceeding ten shares: *And provided also*, That no stockholder shall be entitled to vote at any election or meeting of said company, unless the instalments due and payable on the share or shares by him or her held at the time of such election or meeting shall have been fully paid and discharged. Proviso. Votes.

SECTION 4. That if any treasurer elected by virtue of this act, shall die, resign or refuse to act, or neglect to give such security for the faithful discharge of the duties of his office, as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of said office, it shall be the duty of the managers for the time being, to appoint some suitable person treasurer in his place, who shall hold the office until the next annual election, on his giving the requisite security, and until a successor shall be duly elected and give the security required. Treasurer.

SECTION 5. That the stockholders shall meet on the first Monday of January in each and every year, at such place as shall be fixed by the by-laws of the said company, for the purpose of choosing in manner aforesaid such officers as aforesaid, for the year ensuing the terms of service of those previously elected. Annual meeting.

SECTION 6. The president and managers shall make out certificates of stock signed by the president, and countersigned by the treasurer, with the corporate seal, and deliver one such certificate to each subscriber for the shares held by him or her, on him or her paying into the treasury on each share so held, the sum of five dollars, which certificates shall be transferable in person or by attorney on the books of the said company, subject to the sum due, or to become due on the shares so transferred. Certificates of stock.

SECTION 7. It shall and may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen, laborers, their tools, and beasts of draught or burden, to enter in and upon all and every the lands, tenements, and enclosures in, through and over which the said intended road may pass, and also upon lands contiguous and near to the said road, first giving notice of their intention to the owners or occupiers thereof, and doing as little damage thereto as possible, and making amends for damages upon a reasonable and equitable agreement by the parties, or, if they cannot agree thereupon, a just and equitable assessment, to be made upon oath or affirmation by three disinterested freeholders, or any two of them to be mutually chosen, or if either party upon due notice shall neglect or refuse to join in choice, then to be chosen by a justice of the peace of the county wherein the lands lie, who shall not be interested therein, and upon the tender of the assessed value to dig and carry away any timber, stone, sand, earth, or other materials, necessary or suitable for making said road: *Provided*, That no part of this act shall authorize the taking of any property by said company unless the same be previously paid for, or adequate security given to the owners for the payment thereof. Power to enter lands. Damages.

SECTION 8. That the said president, managers and company, shall cause a road to be laid out of not less than fifty or more than sixty feet in width, running as near as may be on the bed of the road now called Skippack road, from where the same intersects the Spring House and Chesnut Hill turnpike to the Swamp road, and in such manner as that the present buildings on said road be not injured; and shall cause at least eighteen feet thereof to be made an artificial road, bedded with wood, stone, gravel, or any other hard substance, well compacted together and of sufficient depth to secure a solid foundation to the same; Width and route of road.

and the said road shall be faced with gravel or stone, pounded, or other hard substance, in such manner as to secure a firm and, as near as the material will admit of it, even surface, and so nearly level in its progress as that it shall in no place rise or fall more than will form an angle of four and a half degrees with a horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order, and said president, managers and company, shall have power to erect permanent bridges over all the waters crossing the said road.

License.

SECTION 9. That so soon as the said president, managers and company, shall have perfected said road from the Chesnut Hill and Spring House turnpike road the distance of five miles, and also when they have completed the next succeeding five miles, and in like manner on the completion of each five miles of said road, they shall give notice to the governor of this commonwealth, who shall thereupon forthwith nominate and appoint three disinterested persons to view and examine the same, and report to him in writing whether the said road is so far executed in a masterly and workmanlike manner, according to the true intent and meaning of this act, and if their report shall in either case be in the affirmative, then the governor shall, by license under his hand and the seal of this commonwealth, permit and suffer the said president, managers and company, to erect and fix so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls hereinafter granted to the said company, from all persons travelling on the same with horses, cattle, carts, and carriages: *Provided*, That all persons attending funerals or places of worship, their carriages and horses, shall be exempt from the payment of tolls in going to and returning therefrom.

Proviso.

Toll gatherers.

SECTION 10. That when the said company is licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll gatherers as they shall think proper, to collect and receive of, and from all and every person and persons using said road the tolls and rates hereinafter mentioned, and to stop any person riding, leading, or driving any horses, cattle, hogs, sheep, coach, coachee, sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or any other carriage of burden or pleasure, from passing through the said turnpike or gates, until they shall have paid the said tolls, that is, for every five miles in length of the said road completed and licensed as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or any lesser number of sheep, hogs or cattle, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents; for every horse and his rider or led horse, five cents; for every sulkey, chair, or chaise, with one horse and two wheels, eight cents; and with two horses ten cents; for every chariot, phaeton, coach, or dearborn, with one horse and four wheels, ten cents; for every coach, chariot, phaeton, or chaise, with two horses and four wheels, fifteen cents; for either of the carriages last mentioned, with four horses and four wheels, twenty-five cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and horses drawing the same; for every stage wagon, with two horses, twelve cents; and for such wagon with four horses, twenty cents; for every sleigh four cents for each horse drawing the same; and for every sled three cents for each horse drawing the same; for every cart or wagon, whose wheels shall not exceed four inches, five cents for each horse drawing the same; and for every cart or wagon whose wheels shall be four inches, and not exceeding seven inches, three cents for each horse; and for every cart or wagon, the breadth of whose wheels shall be more than seven inches,

Rates.

two cents for every horse drawing the same. And all such carriages as aforesaid to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse. And if any person or persons shall represent to the said company, or any of their officers, that he, she, or they, have travelled a less distance than he, she or they have actually travelled along said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall for every such offence forfeit and pay to the use of said company the sum of five dollars; and if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded, shall have travelled along said turnpike road, or shall have demanded and received greater toll from any person or persons than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gatherer shall forfeit and pay the sum of five dollars for every such offence, to the supervisor of the townships in which the forfeiture has incurred, to be expended in repairing the township roads, and for the payment of which the said company shall be responsible.

Penalty for attempt to defraud company.

Penalty for demanding too great toll.

SECTION 11. If the said company shall neglect to keep the said road in good repair and travelling order for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood where the repairs ought to be made, such justice shall issue his precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time, in said precept to be mentioned, at the place in the said road which shall have been complained of, of which notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time, on the oath or affirmation of the said person, enquire whether the said road, or any part thereof, is in such good travelling order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid, or collected, until the said defective part or parts of the said road shall be put in good travelling order and repair as aforesaid; and if the same shall not be so put in good travelling order and repair before the next general court of quarter sessions of the peace, to be held for the county of Montgomery, the aforesaid justice shall certify and send a copy of the inquisition aforesaid, to the judges of the said court, and the said judges shall thereupon cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the said road as shall be found defective, and shall proceed thereon as in cases of supervisors of highways for neglect of their duty; and if the person or persons entrusted by said company as aforesaid shall be convicted of the offence, by the said inquisition charged, the said court shall give judgment according to the nature and aggravation of the neglect, as according to right and justice would be proper, in the case of supervisors of the highways neglecting their duties: and the fines and penalties so to be imposed shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the

Mode of proceeding for neglect to keep road in repair.

highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township. .

Penalty for
evading tolls.

SECTION 12. If any person or persons whosoever owning, riding in or driving any sulkey, chair or chaise, phaeton, cart, wagon, sleigh, sled or any other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or cattle, shall therewith pass through any private gate or bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off or cause to be taken off any horse, mare, mule or gelding, or other cattle from any sulkey, chair, chaise, phaeton, cart, wagon, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons in all or any or every of these ways or manners offending, shall, for every such offence respectively, forfeit and pay to the president and managers of the Skippack turnpike company, any sum not exceeding ten dollars, to be sued for and recovered, with cost of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered: *Provided*, That if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecution as aforesaid, shall receive from the company the sum of ten dollars in lieu of damages arising from delay, vexation and prosecution, recoverable as other fines under this act.

Proviso.

Accounts.

SECTION 13. The said president and managers shall keep fair and just accounts as well of all moneys received by them as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act or their own by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as are provided by this act in the case of original subscriptions.

Increase of shares.

Dividend.

SECTION 14. That the said president, managers and company, shall keep a just and true account of all moneys received by their several and respective collectors of tolls, at their several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend of the clear profits thereof, all contingent costs and charges first deducted, among all the subscribers of said company stock, and shall, on the first of December and the first of June in every year, publish the half-yearly dividend made of the said clear profits among the stockholders, and of the time and place, when and where the same will be paid, and shall cause the same to be paid accordingly.

Quorum.

SECTION 15. That the said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, seven members shall form a quorum, and who, in the absence of the president, may choose a chairman, and shall keep minutes of all their

Minutes.

transactions fairly entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on their intended work, and fix their salaries and wages, to ascertain the times when and in what manner and proportion in which they shall pay the moneys due on their respective shares, to draw on the treasurer for all moneys, as shall have been so as aforesaid deposited, necessary to pay the salaries or wages of persons by them employed, and for the materials: *Provided*, That such draft shall be signed by the president, or, in his absence, by a majority of the quorum so met, and attested by their secretary; and to do and transact all other acts, matters, or things, as by the by-laws, orders, rules and regulations of the said company shall be entrusted to them.

Officers.

Proviso.

SECTION 16. That all drivers of wagons, and of carriages of all kinds, on said road shall, excepting when passing by a carriage of slower draught, keep their horses on the right hand side of the road in the passing direction, leaving the other side of the road free and clear for other carriages to pass or re-pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding five dollars, to any person aggrieved who shall sue for the same, to be recovered, with costs, before any justice, in the same manner as debts of equal amounts are or may be by law recoverable.

Rule for passing carriages.

SECTION 17. That the supervisors of the townships of Whitemarsh, Whitpain, Worcester, Skipack and Perkiomen, respectively, shall be allowed to subscribe shares to an amount not exceeding three thousand dollars for each township, to be determined by a vote of the citizens of each township, at their next election for supervisors after the passage of this act, the dividends of the shares subscribed to be paid to the supervisors of the townships, respectively, for the use of the townships, in the same proportion and manner as they are paid to individual stockholders; said townships so subscribing shall be authorized to elect an agent at their spring election, to represent said stock in the same manner provided in the bill for individual stockholders.

Certain townships authorized to subscribe for stock.

SECTION 18. The county commissioners of the county of Montgomery, with the approbation of the judges of the court of quarter sessions and grand jury of said county, are hereby authorized to subscribe for any number of shares not exceeding one hundred and twenty shares of the stock of said company, upon the same conditions and terms as individuals, and upon such subscription made, besides having the right to vote at the annual and other elections and meetings of said company as stockholders; the said commissioners, upon subscribing eighty shares or more, shall be authorized to appoint one manager of said corporation, in addition to the eleven managers to be elected by the stockholders, as provided in this act, and the manager appointed by said county commissioners, shall have the same power and authority, and enjoy the same rights and privileges, as a manager elected by the stockholders as aforesaid, and shall meet and act with the managers elected by the stockholders, in the management of the concerns of the corporation.

County commissioners to subscribe for stock.

SECTION 19. If the said company shall not commence the said road within two years after the passage of this act, or shall not, within ten years thereafter complete the said road, according to the true intent and meaning of this act, then and in either of those cases it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties, and franchises, by this act granted to said company.

Commencement and completion limited.

SECTION 20. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county

highways of the township wherein the offence was committed, to be applied to repairing the public roads within such township. .

Penalty for
evading tolls.

SECTION 12. If any person or persons whosoever owning, riding in or driving any sulkey, chair or chaise, phaeton, cart, wagon, sleigh, sled or any other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or cattle, shall therewith pass through any private gate or bars, or along or over any private passage way or other ground near to or adjoining any turnpike or gate erected or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate or turnpike, or if any person or persons shall, with such intent, take off or cause to be taken off any horse, mare, mule or gelding, or other cattle from any sulkey, chair, chaise, phaeton, cart, wagon, sleigh, sled or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons in all or any or every of these ways or manners offending, shall, for every such offence respectively, forfeit and pay to the president and managers of the Skippack turnpike company, any sum not exceeding ten dollars, to be sued for and recovered, with cost of suit, before any justice of the peace, in like manner and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered: *Provided*, That if any person or persons shall be prosecuted under this section of the act, and the said prosecution shall not be sustained on the part of the prosecution as aforesaid, shall receive from the company the sum of ten dollars in lieu of damages arising from delay, vexation and prosecution, recoverable as other fines under this act.

Proviso.

Accounts.

SECTION 13. The said president and managers shall keep fair and just accounts as well of all moneys received by them as of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the said company is not sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act or their own by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares, in like manner and under like penalties as are provided by this act in the case of original subscriptions.

Increase of shares.

Dividend.

SECTION 14. That the said president, managers and company, shall keep a just and true account of all moneys received by their several and respective collectors of tolls, at their several and respective gates or turnpikes on the said road, from the beginning to the end thereof, and shall make and declare a dividend of the clear profits thereof, all contingent costs and charges first deducted, among all the subscribers of said company stock, and shall, on the first of December and the first of June in every year, publish the half-yearly dividend made of the said clear profits among the stockholders, and of the time and place, when and where the same will be paid, and shall cause the same to be paid accordingly.

Quorum.

SECTION 15. That the said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, seven members shall form a quorum, and who, in the absence of the president, may choose a chairman, and shall keep minutes of all their

Minutes.

transactions fairly entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers, as they shall deem necessary to carry on their intended work, and fix their salaries and wages, to ascertain the times when and in what manner and proportion in which they shall pay the moneys due on their respective shares, to draw on the treasurer for all moneys, as shall have been so as aforesaid deposited, necessary to pay the salaries or wages of persons by them employed, and for the materials: *Provided*, That such draft shall be signed by the president, or, in his absence, by a majority of the quorum so met, and attested by their secretary; and to do and transact all other acts, matters, or things, as by the by-laws, orders, rules and regulations of the said company shall be entrusted to them.

Officers.

Proviso.

SECTION 16. That all drivers of wagons, and of carriages of all kinds, on said road shall, excepting when passing by a carriage of slower draught, keep their horses on the right hand side of the road in the passing direction, leaving the other side of the road free and clear for other carriages to pass or re-pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding five dollars, to any person aggrieved who shall sue for the same, to be recovered, with costs, before any justice, in the same manner as debts of equal amounts are or may be by law recoverable.

Rule for passing carriages.

SECTION 17. That the supervisors of the townships of Whitmarsh, Whitpain, Worcester, Skippack and Perkiomen, respectively, shall be allowed to subscribe shares to an amount not exceeding three thousand dollars for each township, to be determined by a vote of the citizens of each township, at their next election for supervisors after the passage of this act, the dividends of the shares subscribed to be paid to the supervisors of the townships, respectively, for the use of the townships, in the same proportion and manner as they are paid to individual stockholders; said townships so subscribing shall be authorized to elect an agent at their spring election, to represent said stock in the same manner provided in the bill for individual stockholders.

Certain townships authorized to subscribe for stock.

SECTION 18. The county commissioners of the county of Montgomery, with the approbation of the judges of the court of quarter sessions and grand jury of said county, are hereby authorized to subscribe for any number of shares not exceeding one hundred and twenty shares of the stock of said company, upon the same conditions and terms as individuals, and upon such subscription made, besides having the right to vote at the annual and other elections and meetings of said company as stockholders; the said commissioners, upon subscribing eighty shares or more, shall be authorized to appoint one manager of said corporation, in addition to the eleven managers to be elected by the stockholders, as provided in this act, and the manager appointed by said county commissioners, shall have the same power and authority, and enjoy the same rights and privileges, as a manager elected by the stockholders as aforesaid, and shall meet and act with the managers elected by the stockholders, in the management of the concerns of the corporation.

County commissioners to subscribe for stock.

SECTION 19. If the said company shall not commence the said road within two years after the passage of this act, or shall not, within ten years thereafter complete the said road, according to the true intent and meaning of this act, then and in either of those cases it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties, and franchises, by this act granted to said company.

Commencement and completion limited.

SECTION 20. If any stockholder, whether original subscriber or assignee, after thirty days notice in two newspapers printed in the county

Penalty for neglect to pay subscriptions.

of Montgomery, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect to pay such proportion at the place appointed for the space of sixty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for every delay of such payment; and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and be sold by them for such price as can be obtained therefor, or in default of payment of any stockholder of any such instalment, as aforesaid, for the space of sixty days, as aforesaid, the president and managers may, at their election, cause suit to be brought in the same manner as debts of like amount are now recoverable, for the recovery of the same, together with the penalty aforesaid.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 75.

A SUPPLEMENT

To an act, entitled "An Act to incorporate an academy in West Alexandria, in the county of Washington."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Alexander Frazier, George M'Donald, John Pollock, Isaac Sutherland, Keneth M'Coy, John M'Donald and John M'Coy are hereby appointed a board of trustees for said corporation, to continue in office until the first Saturday of October in the year of our Lord one thousand eight hundred and forty-five, on which day an election for nine trustees shall take place, to serve as follows, to wit: The three persons having the highest number of votes to serve for three years, the three next highest in number to serve two years, and the three persons having the least number of votes to serve one year: and every year thereafter an election shall be held on the first Saturday of October for three trustees, who shall serve for three years from the time of their election; the election shall be opened at one o'clock in the afternoon, and kept open until five o'clock of the same day, and shall be conducted by the trustees in office; and every qualified citizen who shall at the time of said election be a resident of said county, and shall have paid to the funds of said academy the sum of ten dollars, shall be entitled to a vote at said election, and shall be eligible to the office of trustee, and when

Trustees.

Election.

the trustees shall have been so elected, any five of them shall constitute a quorum to do business.

SECTION 2. So much of the aforesaid act as is hereby altered or sup- Repeal.
plied, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 76.

A N A C T

To prohibit fishing at certain seasons of the year in certain creeks in the township of Marion, in the county of Berks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act it shall not be lawful for any person or persons to fish in the creeks of Tulpehocken and Mill creek, Mill creeks. between the Lebanon county line, and the Charming forge, (except with hook and line,) from the fifteenth day of April, until the first day of June, in each and every year.

SECTION 2. All seines and nets, by whatever name the same may be known or called, that may be hereafter used in fishing by any person or persons, at such time or times as the same is not prohibited by the first section of this act, shall be so constructed that the meshes of said seines and nets be one and a quarter inch square.

SECTION 3. Any person or persons offending against this act shall be subject to the payment of a fine not exceeding five dollars, to be recoverable before any justice of the peace, as debts of like amount are now by law recoverable, with cost of suit; and if after conviction such offender or offenders shall refuse to pay such fine, the said justice shall commit such offender or offenders to the common jail of the county, for the space of five days.

SECTION 4. One-half of such fine shall be paid to the informer, and the other half shall be paid to the supervisors of highways, of the said township of Marion, to be by them applied in repairing the public roads and highways in the said township.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 77.

AN ACT

Relating to the estate of William S. Davis, deceased.

Preamble.

WHEREAS, William S. Davis, late of the borough of Chambersburg, in the county of Franklin, deceased, died intestate, leaving real and personal estate, and his administrator, William V. Davis, on the second day of June, one thousand eight hundred and forty, presented his account of the personal estate of said deceased to the orphans' court of said county, which was duly confirmed, and a balance of four thousand six hundred and one dollars and thirty-eight cents decreed to be in his hands, which was distributed among the widow and heirs of said deceased.

And whereas, After the said confirmation and distribution, by the failure of a certain individual, the said estate became liable for a debt of about one thousand dollars, which was unknown at the confirmation and distribution aforesaid, and it would be now inconvenient and attended with loss to the said widow and heirs to refund so much of their respective distributive shares as will pay said debt; and the said widow and heirs, who are of age, and the guardians of the minor heirs have expressed their desire to have so much of the said real estate sold as will pay said debt; therefore,

Authority to sell
real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the orphans' court of the county of Franklin, upon the petition of the administrator of William S. Davis, late of the borough of Chambersburg, deceased, setting forth, under oath or affirmation, the facts of the case, are hereby authorized and empowered to decree a sale of so much of the real estate of the said deceased, as in their judgment shall be necessary to pay the debt aforesaid: *Provided*, That the said sale shall be made subject to and under the provisions of the act of assembly providing for the sale of the real estate of intestates for the payment of debts.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 78.

AN ACT

To incorporate the village of Bethlehem, in the county of Northampton, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the village of Bethlehem, in the county of Northampton, shall be and hereby is erected into a borough, which shall be called the borough of Bethlehem, and shall be bounded and limited as follows: Beginning at the river Lehigh, at the fording place immediately above Jones' island; thence up the said river to the mouth of Monokosy creek; thence along said creek to the stone bridge at the Hanover township line, in Northampton county; thence along the centre of the upper road leading from Allentown to Easton, to the intersection of the road leading from Nazareth to Philadelphia; thence along the centre of the road last mentioned, to the river Lehigh, to the place of beginning. **Bounds.**

SECTION 2. That the inhabitants of said borough entitled to vote for members of the general assembly, and who shall have resided within the same for six months, immediately preceding the election hereinafter mentioned, shall on the third Friday in March, eighteen hundred and forty-five, (being the day of the township elections in the state,) meet at the house now in the occupancy of Caleb Yohe, in said borough, and then and there, between the hours of one and seven in the afternoon, elect by ballot one citizen, who shall be styled burgess, and nine citizens who shall be a council, and three citizens who shall be auditors, all of whom shall be inhabitants of the said borough; the first election to be held by the same officers who held the general election last fall, and after the said election shall have been closed shall declare the persons having the greatest number of votes duly elected; whereupon a certificate of the said election shall be signed by the said judges, a copy thereof transmitted by the clerk to each person elected, and the original recorded in the record books of the corporation; and in case of death, resignation, removal, or refusal to accept any of the said offices, a new election shall be held for the purpose of supplying such vacancy in the manner hereinafter provided: *Provided,* That it shall be the duty of the constable of the township of Bethlehem, for the time being, to give ten days' notice by advertisements set up at four of the most public places in said borough; at such borough elections each officer shall be allowed fifty cents for his services. **Election.** **Burgess and council.** **Proviso.**

SECTION 3. On the Monday next after the said election, the members of the council elected as aforesaid, shall be convened at the said house of Caleb Yohe, in the said borough, by order of the burgess, and then and there shall by lot divide themselves into three classes; and the seats of members of the council of the first class shall be vacated at the expiration of the first year, counting the year from the first Monday after the third Friday in March; and the second class, at the expiration of the second year; and the third class, at the expiration in the third year. The auditors shall divide themselves in like manner, one going out every year. **Meeting and classification of council.**

Annual election.

SECTION 4. The inhabitants of said borough entitled to vote as aforesaid, shall, on the third Friday in March next ensuing the election aforesaid, and on the same day in every year thereafter, meet at the house now in the occupancy of Caleb Yohe, and elect in manner aforesaid, one burgess, three members of council, and one auditor, to supply the place of the members of council and auditor, vacated in manner hereinbefore mentioned; and shall also elect as aforesaid, one constable, and one assessor, and assistant assessor, and two school directors, and every five years two justices of the peace; and a certificate of such election shall be signed by the said judges, a copy thereof transmitted by the constable of the preceding year to the persons so elected, and the original recorded in the record books of the corporation; and in case of death, resignation, or refusal to accept of any of said offices, or if it should at any time happen that no election shall be holden at the time and place appointed, the burgess, or in his absence, or inability, or refusal to act, any member of the council shall issue his precept, directed to the high constable, to hold an election in manner aforesaid, to supply such vacancy; and in the mean time the officers of said borough, elected for the last year, shall continue to all intents and purposes to hold their respective offices, and exercise all the powers appertaining thereto, as fully and effectually as if their term of office had not expired.

Name.

Powers.

SECTION 5. From and after the first Monday after the third Friday in March next, the burgess and council elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "The Burgess and Council of the borough of Bethlehem, in the county of Northampton," and shall have perpetual succession, and shall be capable, in law, to have, require, receive, hold, purchase and possess goods, chattels, lands and tenements, rents, liberties, jurisdictions, purchases and hereditaments, to them and their successors, in fee simple or otherwise, not exceeding the yearly value of five thousand dollars; and also to give, grant, sell, let and assign the same goods, chattels, lands, tenements, hereditaments and rents; and by the name and style aforesaid they shall be capable, in law, to sue and be sued, plead and be impleaded in any of the courts of this commonwealth, in all manner of actions whatsoever, and to have and to use one common seal, and the same from time to time, at their will, to change and alter.

Penalty for neglect of duty.

SECTION 6. If any person duly elected as burgess or member of council as aforesaid, and having received notice thereof, as is directed by this act, shall refuse or neglect to discharge the duties of the same, according to law, every such person neglecting or so refusing shall, for every such offence, forfeit and pay the sum of twenty dollars, which fine, and all other fines and forfeitures incurred and made payable in pursuance of this act or of any by-laws, ordinances, rules and regulations of the burgess and council, shall be for the use of the corporation, and shall be recoverable in the same manner as debts of equal amount are or shall be by law recoverable, unless herein otherwise provided for; and when so recovered shall forthwith be paid to the treasurer of the borough, and it shall be the duty of the officers of the borough, on receiving any money belonging to the corporation to pay the same to the treasurer forthwith: *Provided*, That no person elected to serve as aforesaid shall be liable to a fine for refusing or neglecting to serve more than once in four years.

Proviso.

Oath.

SECTION 7. The burgess, members of the council and high constable, and each of them, before entering on the duties of their respective offices, shall take and subscribe an oath or affirmation, before a justice of the

peace of the said county, to support the constitution of the United States and of this commonwealth, and to perform the duties of their respective offices with fidelity; and the certificate of such oath or affirmation shall be recorded amongst the records of the corporation; and the said burgess shall have power and authority to administer oaths and affirmations when the same may be necessary in the investigation of any matter within the cognizance of the said corporation.

SECTION 8. It shall be the duty of the burgess and town council, six of whom shall be a quorum, to hold monthly meetings on the third Monday of every month in each and every year, and oftener if occasion requires, at which meetings the burgess shall preside, and, in case of an equal division, give the casting vote; and the said burgess and council shall have power, at such meetings, to ordain and enact, revive and repeal, and amend such ordinances, by-laws, rules and regulations, as shall be deemed expedient to promote the peace, good order, benefit, and accommodation of the citizens of said borough, particularly of providing for the regulations of the market, improving, repairing, and keeping in good order the streets, lanes, alleys and highways, and removing nuisances therefrom; to designate the width of side-walks, to regulate the depth of vaults, sinks, drains, make permanent rules for the foundation of buildings and party walls, regulate the fences, side posts, and railings along the streets, to impose fines and penalties, and to require and compel the owners of houses, stores, work-shops, stables, buildings and lots, to pave the side-walks on such streets: *Provided however*, That they shall not have power to compel the paving of such side-walks over four feet in width, and with such materials as shall, by the burgess and town council, be deemed necessary and expedient, and the same to keep in repair; and to prohibit the exhibition of plays, shows, mountebanks, jugglers, and all and every other exhibition, under such restrictions, fines and penalties, as the said burgess and council shall direct; and to require and compel the inhabitants of the borough, and others occupying property therein, to clean the chimneys and stove-pipes in the buildings used and occupied by them, in such manner and as often as the said burgess and town council shall direct; and the said burgess and town council shall have power and authority to organize as many fire companies of the citizens of said borough, as there are or shall be fire engines belonging to said borough; and the said burgess and town council shall have power and authority to assess and apportion, raise and appropriate such taxes as may and shall by them be deemed necessary for carrying the said rules, ordinances and regulations, from time to time, into complete effect; they shall also appoint annually one or more street supervisors, a town clerk, a treasurer, and such other officers as may be deemed necessary, and the same officers, from time to time, remove; and all by-laws, ordinances, rules and regulations, shall be signed by the burgess and attested by the town clerk, and entered in the records of the corporation: *Provided*, That no by-laws, rules, or ordinances of the corporation shall be repugnant to the constitution of the United States or of this commonwealth; and that no person shall be fined or punished for the breach of any by-law or ordinance, made as aforesaid, until ten days have expired after the promulgation thereof by at least five advertisements, set up in five public places in said borough: *And provided*, That, in assessing such tax, due regard shall be had to the valuation of taxable property taken for the purpose of raising county rates and levies, so that the said tax shall not, at any one time, exceed one-sixth of a cent on the dollar in such valuation for county purposes: *Provided also*, That if the amount of such assessment be less than three hundred dollars, then, and in every such case,

Quorum.
Monthly meetings.

By-laws.

Taxes.

Supervisors.

Proviso.

Amount of tax.

the burgess and council shall have a right to increase the amount to a sum not exceeding three hundred dollars, excepting, however, that in all cases of general utility the burgess shall have a right to call a public meeting, after not less than five days notice shall have been given by written or printed advertisements, stating the object of the call of said meeting, put up in not less than five of the most public places in said borough; and if two-thirds of the citizens present at said meeting shall agree to raise an additional tax for such purpose, then the said burgess and town council shall proceed to levy and assess such additional tax, and cause the same to be collected and paid over to the borough treasurer, in the same way and manner as is provided for by this act; all property, officers, professions and persons, made taxable by the laws of this commonwealth for county rates and levies, shall be taxable after the same manner by the said borough; and all taxes, rates, and levies, rated and levied therein, shall be recovered in the same manner as the county rates and levies in the county of Northampton are by law recoverable.

Streets, &c.

SECTION 9. It shall be the duty of the supervisor, or supervisors, to open the streets, repair the same, and also the lanes and alleys in said borough, and to erect and repair the bridges and causeways in the same, under the direction and supervision of the said burgess and town council, excepting such alleys and bridges as are or shall be considered private property, and used as such.

Collection of taxes.

SECTION 10. The burgess elected as aforesaid, or in case of his absence, inability or refusal to act, the first named in the list of council is hereby authorized and empowered to issue his precept as often as occasion may require, directed to the high constable, (who shall be appointed annually by the council,) or in case of his inability to act, to some other fit person, commanding him to collect all taxes assessed in pursuance of this act, and the same to pay over to the treasurer; and the said burgess shall carry into effect whatsoever is enjoined upon him by the aforesaid rules and ordinances, for the well ordering and government of the said borough; he shall have power to remit fines and forfeitures in cases when it shall appear that the person or persons so fined, did not intentionally offend, or on their having some other just and reasonable excuse, which excuse shall be satisfactorily proved to the said burgess, the fees for collecting such taxes to be fixed by the council.

Clerk.

SECTION 11. It shall be the duty of the town clerk to attend all sessions of the burgess and town council, when assembled on business of the corporation, and keep and procure the common seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties that may be enjoined on him by virtue of this act and the acts of the corporation; and attestation of the said town clerk, with the seal of the corporation, shall, in all cases be good evidence of the act or thing so certified.

Treasurer.

SECTION 12. The treasurer shall give sufficient security for the faithful discharge of the duties of his office, and for the safe delivery of all books, papers and accounts appertaining thereto, and all money remaining in his hands into the hands of his successor, upon demand made for that purpose; and the high constable shall give sufficient security for the faithful discharge of the duties of his office, and the payment to the treasurer of all moneys he shall or may collect by virtue of his office, and for his services the said high constable shall be allowed such fees and compensation as are by law allowed to township constables for similar services, to be paid and collected in such manner as is by law provided in case of the township constable aforesaid: *Provided*, That this shall not be so construed as to prevent the said burgess and coun-

oil from allowing a reasonable compensation for his services, to be paid out of the treasury of the corporation.

SECTION 13. It shall be the duty of the high constable to give at **High constable.** least ten days previous notice thereto of the annual elections of said borough, by at least four advertisements set up at four of the most public places therein; and he shall attend and see that the election is opened at the time and in the manner directed by law. The burgess and town council shall from time to time affix the salaries of the town clerk, treasurer, and such other officers as may be appointed under this act, which compensation shall be paid out of the borough treasury by orders drawn thereon by the burgess, or in any other manner as the burgess and council shall direct.

SECTION 14. No money shall be drawn from the treasury except by **Money.** authority of the council, on orders drawn by the burgess, and attested by the town clerk. It shall be the duty of the burgess and town council to settle the accounts of the several officers, and cause a fair statement to be made every year in the month of February, a copy of which shall be left with the burgess for public inspection by the citizens of the borough, having however first been approved by the auditors.

SECTION 15. The burgess, treasurer, and first named on the list of **Appeal.** council, shall constitute a court of appeal; and prior to the collection of any borough tax, the high constable shall inform each of the inhabitants of the amount of his tax, and of the time and place of appeal: *Provided nevertheless,* That the said court of appeal shall have no **Proviso.** other power as such, than to determine the justness of the apportionment of said tax, conformable to the county rates and levies, and to correct any mistake in that respect.

SECTION 16. If any person shall think him, her, or themselves **Grievances.** aggrieved by anything done in pursuance of this act, except what relates to the imposing and collecting of the borough tax, and the appointments made by the burgess and town council, he, she, or they may appeal to the next court of common pleas to be held in said county, upon giving security according to law to prosecute his, her, or their appeal with effect; and the said court having taken such order thereon as to them shall seem just and reasonable, the same shall be conclusive.

SECTION 17. From and after the passage of this act, the citizens of **Road tax.** the borough of Bethlehem shall be exempted from paying road tax to the township of Bethlehem, for any real estate and premises situated and lying in said borough.

SECTION 18. The inhabitants of said borough shall elect one assessor **Assessors.** and one assistant assessor of the county rates for said borough, and such other officers as may be by law required, at such time, under like regulations, and for the same purposes as are or shall be hereafter directed by law in the several townships within this commonwealth; and the assessor and the assistant assessor so elected shall have, use and exercise all and every the powers, rights and privileges, perform all and every the same duties, and be subject to the same penalties, within the said borough respectively, which are or shall be suffered by or imposed upon like officers of the several townships of this commonwealth.

SECTION 19. From and after the passage of this act the citizens and **Separate from** property in the borough of Bethlehem, shall be and remain distinct and **Bethlehem town-** separate from the township of Bethlehem, in the assessment and collection of all state and county taxes, rates and levies. **ship.**

SECTION 20. No misnomer or failure of the election of officers on **Misnomer.** the day appointed, shall dissolve or discontinue the said corporation,

but the officers respectively for the time being, shall continue in office till a new election shall be made as is hereinbefore directed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 79.

A SUPPLEMENT

To "An Act to incorporate the Woodland Cemetery company of Philadelphia."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Woodland Cemetery company may add, not exceeding five acres, to their present burial grounds, and two to their number of managers, making nine managers.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 80.

A N A C T

Changing and amending the eighteenth section of an act passed the twenty-first April, one thousand eight hundred and forty-one, and substituting the name of John Cresswell, of the borough of Huntingdon, instead of "the collector of tolls on the Juniata division of the Pennsylvania canal at Huntingdon," in the said eighteenth section of said act, passed twenty-first of April, one thousand eight hundred and forty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the eighteenth section of the act to compel the supervisor of the unincorporated district of the Northern Liberties, in the county of Philadelphia, to give security, and for other purposes, passed the twenty-first day of April, one thousand eight hundred and forty-one, be and the same is hereby so altered and amended as to substitute the name of John Cresswell, of the borough of Huntingdon, instead of "the collector of tolls of the Juniata division of the Pennsylvania canal, at Huntingdon," and that the said John Cresswell shall have full power to do, perform and transact all the duties required to be done by the said collector, in the eighteenth section of the act aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 81.

A N A C T

To annul the marriage contract between Mathias C. Ely and Emeline, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between the said Mathias C. Ely and Emeline, his wife, be and the same is hereby declared null and void,

and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 82.

AN ACT

To authorize the executors of Grizzle Pedan, deceased, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the executors of Grizzle Pedan, late of Adams county, deceased, or the survivor of them, are hereby authorized to sell and convey the real estate of which the said Grizzle Pedan died seized, consisting of a house and lot situate in "Cooper's Addition," in the borough of Gettysburg, either at public or private sale, as shall be by them deemed best: *Provided,* That the executors aforesaid, or the survivor of them, before making sale of the said real estate, give bond and security, as administrators are by law required to do on making application for an order of sale of the real estate of their decedent; such bond to be approved by the orphans' court of said county, and be conditioned for the faithful application of the moneys arising from such sales to the persons entitled to receive the same.

Proviso.
Bond.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 83.

AN ACT

Further supplementary to an act, entitled "An Act authorizing the governor to incorporate the Bald Eagle and Nittany Valley turnpike and railroad company, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time allowed in the act, entitled "An Act authorizing the governor to incorporate the Bald Eagle and Nittany Valley turnpike and railroad company," passed the thirtieth day of March, Anno Domini, one thousand eight hundred and thirty-one, and extended by the act of the seventeenth day of March, A. D., one thousand eight hundred and forty-one, for the completion of the turnpike or railroad mentioned and described in the said act, is hereby extended five years, from and after the thirtieth day of March next, (Anno Domini, one thousand eight hundred and forty-five;) and the charter of the said company, and the act to which this is a supplement, shall be and remain in full force, as though the time in this extended act had been allowed in the original act. And the said company are hereby authorized to elect officers, and exercise all the rights and privileges conferred by the said charter and the law to which this is a supplement, in the same manner as if the time in this extended act had been allowed in the original act. Time for completion of road extended.

SECTION 2. That the provisions of the sixteenth section of the act of the ninth of April, one thousand eight hundred and forty, be and the same are hereby re-enacted, and the time for the performance of the duties enjoined by the same is hereby extended to the second Monday in October next. State road from Haverling's mill, Union county, to Elk creek, Centre county.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 84.

AN ACT

Relating to constables and auditors of the boroughs of Muncy and Portersville.

Constable, Muncy. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the high constable of the borough of Muncy, in the county of Lycoming, who is now or may hereafter be elected for said borough, shall be sworn in and qualified in court as other constables of said county, and shall have all the powers, and be subject to all the provisions of law relating to other constables of this commonwealth.

Constable, Portersville. SECTION 2. That it shall be lawful for the qualified electors of the borough of Portersville, in the county of Butler, in addition to the officers now authorized by law, to elect annually, at the time and place of electing borough officers, one person as constable of said borough, who shall be sworn in and qualified in court in the manner directed by law for the election of other constables, and shall perform all duties, and be subject to all the provisions of law relating to other constables; and the constable elected at the last election of said borough shall, on being qualified and sworn in as other constables are required by law to be qualified, be authorized to perform all the duties, and be subject to all the provisions of law relating to other constables.

Auditors, Portersville. SECTION 3. It shall be lawful for the electors of said borough of Portersville, at their next annual elections, to elect three persons as auditors, to audit all public accounts of said borough, one of whom shall continue in office one year, one for two years, and one for three years; and the said electors shall designate on their tickets the term of each person voted for, and annually thereafter one person shall be elected to fill the place of the auditor whose term may be about to expire; and the persons elected as auditors at the last election of said borough, shall hold their offices, and perform the duties of said auditors until the next annual election; and all auditors of said borough shall be sworn or affirmed to perform the duties of their office with honesty, impartiality and fidelity.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 85.

A FURTHER SUPPLEMENT

To an act, entitled "An Act erecting the town of Warren, in the county of Warren, into a borough and township, and for other purposes," passed the third day of April, Anno Domini eighteen hundred and thirty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the last proviso of the sixth section of the said act to which this is a further supplement, be and the same is hereby repealed. Repeal.

SECTION 2. That it shall be the duty of every person or persons claiming to be the owner or owners of any lot in the borough of Warren, under the direction and management of the burgess and town council, to pave the side walks adjoining his, her, or their lot or lots, in such a manner as shall be directed by said burgess and council, at their sessions for such purpose assembled, and in case of failure on the part of such owner or owners so to do, after reasonable notice, it shall be lawful for the said burgess and town council, to cause such pavements to be made, and the expense thereof to be assessed and recovered from such lot owner or owners, for the use of the borough, in the same manner as other debts of like amount are by law recoverable. Paving.

SECTION 3. The burgess and town council of said borough are hereby authorized to lay out into lots, any ground not belonging to individuals along the banks of the Allegheny river and Conawango creek, in the bounds of said borough, and the same to sell and convey in fee or otherwise, to purchasers, in such manner as they may deem advisable, and the proceeds of such sales to be paid into the treasury of said borough, for the use of the same: *Provided*, That nothing herein contained, shall interfere with the use of said river and creek as public highways. Lots.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 86.

AN ACT

To annul the marriage contract of John H. Bohls and Mary Bohls.

Preamble.

WHEREAS, It appears that Mary Bohls, formerly Mary Aulenbach, was married in the county of Berks, and state of Pennsylvania, to John H. Bohls, on the twenty-second of May, eighteen hundred and thirty-seven, and in eight or ten days after, removed to the state of Ohio, with her said husband, where they lived and cohabited together as man and wife, for about fourteen months, when the said John H. Bohls deserted and abandoned his said wife, without any just or reasonable cause, and thereby compelled the said Mary to return to her friends in Pennsylvania, for assistance and support; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between John H. Bohls and Mary Bohls, be and the same is hereby declared null and void, and the parties discharged from all the obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 87.

AN ACT

To authorize George Plummer, administrator with the will annexed, of Robert Harvey, deceased, to convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the acts and contracts of William Stewart, performed and entered into by him whilst acting as the executor of Robert Harvey, late of Hope-well township, Washington county, deceased, so far as the same are in conformity to the directions of the said testator, are hereby declared to

Certain acts of
Wm. Stewart de-
clared valid.

be as valid in law, and as obligatory upon all parties concerned, as if the letters testamentary under which the said William Stewart acted, had been legally granted; and all sales of real estate made by him, the said William Stewart, while acting as executor aforesaid, in pursuance to the directions of the will of said decedent, are hereby ratified and confirmed; and George Plummer, the legal acting administrator with the will annexed of the said Robert Harvey, deceased, is hereby authorized and directed to make, execute, and deliver to the purchasers of the real estate so sold by the said William Stewart, on the compliance of said purchasers, with the terms of sale, deeds of conveyance for the real estate so purchased by them; such deeds of conveyance being hereby declared good and valid: *Provided however*, That the said administrator with the will annexed, shall, before the execution of the said deed, hereby authorized, present a petition to the orphans' court of Washington county, setting forth particularly the contracts made by the said William Stewart, as executor of the said Robert Harvey, deceased, and if the court shall be of opinion that the same were entered into in good faith, and are beneficial to the estate of deceased, they are hereby authorized to approve of the same, upon the said administrator executing a bond to the commonwealth, with sufficient security for the use of all persons interested, in such penalty as the said court may direct, with condition for the faithful application of the proceeds of sales, according to law, and in pursuance to the will of deceased.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 88.

AN ACT

Relating to the estate of the late William M. Camac.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the trustees appointed by the will of William M. Camac, late of Penn township, in the county of Philadelphia, and they are hereby authorized and empowered, from time to time, to invest any of the funds of the estate in the purchase of ground rents or other real estate, situate in this commonwealth, and to purchase at any sheriff's sale, or at any other public or private sale, any real estate upon which the estate of the said William M. Camac now has or holds, or may hereafter have or hold, any mortgage, judgment, or

other lien or incumbrances, or out of which any ground rent held by the said estate may have been or may be reserved.

Power to sell
lots.

SECTION 2. And whereas, in consequence of the opening of streets through some of the lots belonging to the said estate, or from other circumstances, some of the said lots may be or may become of inconvenient shape, situation or dimensions, and it may be desirable that others of the said lots should acquire fronts on streets or other passages which they do not now or may not hereafter possess, it is further enacted, that it shall and may be lawful for the said trustees, and they are hereby authorized and empowered, in any case in which they may deem it expedient, in reference to the interests of the said estate, to dispose of any or any part or parts of any lot or lots of the said estate, either by way of sale or exchange, and in like manner to procure or obtain, either by way of purchase or exchange, any lots or strips or pieces of land that may be necessary and proper, for the purpose of giving convenient and suitable shape, situation or dimensions to any such lot or lots of the estate, or for the purpose of acquiring or obtaining any front or fronts as aforesaid, and to execute all such deeds and other instruments, and to do and perform all such acts and things as may be necessary and proper for carrying into full and complete effect any and every such sale, purchase and exchange, and so that the purchaser or grantee in every such deed, shall and may take and hold the lots or pieces of land so granted or conveyed by the said trustees, free and discharged from all the uses and trusts in the said will mentioned and declared, and without any liability to see to the application of the purchase money, or (in the case of an exchange) to the disposition or appropriation of any lots or pieces of ground taken by the said trustees in or by way of such exchange.

Partition.

SECTION 3. It shall and may be lawful for the said trustees, in any case in which the said testator held an undivided interest in any real estate at the time of his death, to make or obtain partition and division of such real estate, either by voluntary agreement or agreements with the party or parties holding other undivided interests in such real estate, or by instituting and conducting proceedings for the purpose, in any court in this commonwealth having competent jurisdiction, or by becoming parties to any proceedings instituted for such purpose, and to execute and receive all such deeds or instruments, and to do and perform all such acts and things as may be necessary and proper to carry into complete effect such partition or partitions; and if in any case or cases, actual or equal partition of such real estate cannot be made between the parties, it shall be lawful for the said trustees to enter into any agreement either to take such real estate, or any part or parts of it, at a valuation, or to decline the same, or to consent to the sale of the same, or to pay or receive any sum or sums that may be agreed upon or awarded for owelty of partition, in like manner, and with the same power and effect, as the testator if living could have done in respect to the premises; and the said trustees are hereby authorized and empowered, to execute any and every deeds and other instruments, and to do and perform all such acts and things in respect to the premises as may be needful and proper, to render their proceedings in the premises complete and effectual.

Purchases ratified.

SECTION 4. All purchases of real estate heretofore made by the said trustees are hereby ratified and confirmed, and the same shall be taken to be good and valid as if made under a previous authority.

Uses and trusts.

SECTION 5. All real estate heretofore purchased by the said trustees for the purpose of the said estate, and all real estate that may hereafter be purchased or acquired by them under the authority of this act, shall

be held by them upon the uses and trusts, and for the same purposes, and with the same and like powers and authorities, in all respects, as are mentioned and declared, given and conferred, in and by the said last will and testament of the said William M. Camac, in respect to the real estate, situate in this commonwealth, held by the testator at the date of the said will.

SECTION 6. The powers and authorities given by this act to the trustees aforesaid, shall extend to and exist in, and may be exercised by the successors of the said trustees in the said trusts.

SECTION 7. The said trustees, or their successors, before they proceed to the performance of their duties, shall give bond to the commonwealth of Pennsylvania, for the use of all persons interested in the estate of said deceased, in such sum, and with such security, as the orphans' court of Philadelphia county may direct and approve, with condition for the faithful discharge of all the duties enjoined by the provisions of this act. Security.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 89.

AN ACT

Requiring the supervisors of the highways of Quincy township, in the county of Franklin, to give bail.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors of highways of the township of Quincy, in the county of Franklin, who shall hereafter be elected or appointed, shall respectively give bonds in a penalty of double the amount of their respective duplicates of road taxes assessed, with one or more sufficient sureties to be approved by the auditors of said township; which bonds shall be taken in the name of and to the use of said township, and deposited with said auditors, and shall be conditioned for the faithful collection and application of said taxes, and the discharge of all their duties according to law.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and forty-five.

No. 90.

A FURTHER SUPPLEMENT

To an act, entitled "An Act erecting a new county out of the northern part of Luzerne, to be called 'Wyoming.'"

Sci. fa. from Lu-
zerne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the fifth day of April next, all writs of scire facias which shall be issued out of any of the courts of Luzerne county upon judgments or recognizances, which were entered in the said county before the erection of Wyoming county, against any person or persons residing within the said county of Wyoming, shall be directed to and be served by the sheriff of said last mentioned county, and the sheriff of the said county of Luzerne shall not be allowed to serve any such writ within the limits of said county of Wyoming.

Repeal.

SECTION 2. That from and after the fifth day of April next, the act of the twenty-seventh of April, one thousand eight hundred and forty-four, entitled "An Act relative to the records of Wyoming county," and the fortieth section of the act of the ninth of March, one thousand eight hundred and forty-four, entitled "An Act regulating election districts," be and the same are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 91.

AN ACT

To apportion the retained per centage on section number sixty-eight of the Shenango line.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized to apportion and pay the retained per centage which may be due on section number sixty-eight, Shenango line, Erie extension, Pennsylvania canal, not exceed-

ing the sum of one thousand five hundred and twenty-five dollars forty-nine cents, to and among the creditors of Johnson and M'Kinly, to whom said section was transferred by James M'Clarran, as follows, viz : To James M'Clarran, the sum of four hundred and forty-one dollars eighteen cents, being the amount of the per centage on work done by him, prior to the transfer of said section to Johnson and M'Kinly ; to the widow Lynn, eighty dollars ; and the balance to be paid and distributed pro rata to the remaining creditors of Johnson and M'Kinly.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 92.

A SUPPLEMENT

To the act, entitled "An Act repealing the act allowing a premium on foxes and wild cats, in the within named counties, and for other purposes," approved the twenty-fourth day of April, one thousand eight hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act to which this is a supplement, as relates to the counties York and Fayette, be and it is hereby repealed ; and that the act to which this is a supplement, be and the same is hereby extended to the county of Westmoreland.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 93.

AN ACT

To incorporate the village of Loretto, in Cambria county, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the village of Loretto, in the county of Cambria, shall be and the same is hereby erected into a borough, which shall be called the borough of Loretto, and shall be bounded and limited as follows, viz: Beginning at a point on the Philipsburg road, six perches north of the widow Walter's house; thence east to a point which includes the church and parsonage of St. Michael's; thence south to a point from which the line running west will include the town lots lying south of St. Mary's street; thence west to a point opposite to the place of beginning; thence north to the place of beginning.

Boundaries.

SECTION 2. That the inhabitants of the said borough entitled to vote for members of the general assembly, having resided within the bounds of said borough at least six months immediately preceding the election, shall have power, on the Friday preceding the third Saturday in March next, to meet at the public school-house, and on the same day annually thereafter at the place aforesaid, and shall then and there, between the hours of one and six in the afternoon of said day, elect by ballot, one respectable citizen residing therein, who shall be styled the burgess, and five citizens of said borough to be a town council, and shall elect also as aforesaid one citizen as high constable; but previous to said election, the citizens qualified as aforesaid shall choose one citizen to act as judge, and two citizens to act as inspectors, one of whom shall act as clerk of said election; and the election to be conducted throughout according to the general election laws of this commonwealth, and the officers of the same shall be subject to the same penalties for mal-practices, as by the said election laws are imposed; the said judge and inspectors, before they enter upon the duties of their respective offices, shall take the same oaths or affirmations before any justice of the peace of the same county, as are prescribed by the laws of this commonwealth, and after the election shall be closed shall declare the persons having the greatest number of votes to be duly elected, and the certificates required by the general election law shall be duly made out and signed by them, and filed amongst the records of said borough.

Annual election.

SECTION 3. That from and after the first day of April next, the burgess and town council, and their successors in office, shall be one body, politic and corporate, by the name and style of the "Burgess and Town Council of the Borough of Loretto," and shall have perpetual succession, and shall be capable in law to sue and be sued, plead and be impleaded, in any court of law of this commonwealth in all manner of actions whatsoever, and to have and use a common seal.

Name.

Powers, &c.

Penalty for neglect of duty.

SECTION 4. That if any person, duly elected to the office of burgess, member of town council, or high constable as aforesaid, shall refuse or neglect to take upon himself the duties of said office, he shall forfeit and pay for the use of said borough the sum of ten dollars, to be collected in like manner as sums of like amount are now recoverable by law.

SECTION 5. That all officers of said borough, before entering upon the duties of their respective offices, shall take and subscribe before any judge or justice of the peace of said county, to "support the constitution of the United States, and of the state of Pennsylvania, and to perform the duties of his office with fidelity," and the certificates of the same shall be filed among the records of said corporation. Oath.

SECTION 6. That the said burgess and town council shall meet on the first Monday after their election, in each year, and appoint a clerk of said borough, whose duty it shall be to take charge of all the papers, records, and common seal of said borough, and be responsible for the same; and shall keep a fair record of all proceedings, resolutions, by-laws and ordinances of said council; and the said burgess and town council shall have power to make, erect, alter, revise, repeal or amend all by-laws, rules, regulations and ordinances as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of the said borough, and particularly providing for the regulations, improving, repairing and keeping in order the streets and alleys. They shall have power to assess and apportion such taxes as shall be determined by a majority of them, and also to appoint a street supervisor, treasurer, and such other officers as may be deemed necessary, from time to time: *Provided*, That in the assessment of taxes, such tax shall not exceed one-half of the tax assessed for county purposes, on the citizens of said borough. Clerk, duties, &c.

SECTION 7. That the burgess is hereby empowered to issue his precept to the high constable as often as occasion may require, commanding him forthwith to collect all taxes so assessed, and the same to pay over to the treasurer. Assessments.

SECTION 8. That the treasurer, street supervisor, and high constable, shall, before entering upon the duties of their respective offices, enter into bonds with sufficient sureties, to be approved by the burgess, conditioned for the faithful performance of their duties. Taxes.

SECTION 9. That the high constable of the said borough, shall, on giving surety and being qualified in the court of quarter sessions of said county, shall have and exercise all the powers appertaining to the office of township constable. Securities.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 94.

A N A C T

Fixing the construction of certain acts of assembly, in relation to the rights of private property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the fourth section of the seventh article of the constitution of Pennsylvania, which directs that the legislature shall not invest any corporate body or individual with the privilege of taking private property for public use, without requiring such corporation or individual to make compensation to the owners of said property, or give adequate security therefor before such property shall be taken, shall be deemed to apply to all acts of assembly passed, or that may be passed during the present session of the legislature, as fully and effectually as if the same were incorporated in said act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No 95

A N A C T

To extend and define the boundaries of East Brunswick school district, Schuylkill county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the boundaries of the school district erected out of parts of East Brunswick township, Schuylkill county, by the twenty-third section of the act, entitled "An Act to authorize the president judge of the district court of Allegheny county to hold special courts in Fayette county in certain cases, and for other purposes," passed sixteenth April, one thousand eight hundred and thirty-eight, are extended as follows: Beginning at the house of Benjamin Leiser, mentioned in said act, including all the land owned by Jonas

and Benjamin Bock ; thence to the Little Schuylkill river ; thence along said river to the place where the railroad of the Little Schuylkill navigation and railroad company crosses said river ; thence along said railroad to a corner of Jacob F. Treichler's land ; thence along the line late of Jacob F. Treichler and Jonathan Jones and company, to a corner of George Dreiblebiss' land ; thence along the line of land of the said G. Dreiblebiss and Jonathan Yost, to the point where the said line intersects a line of said district, running due north from J. Yost's mill dam, as mentioned in the said act of the sixteenth April, one thousand eight hundred and thirty-eight ; the said territory contained within the said boundaries, as hereinbefore stated, shall be hereafter a separate school district, to be known by the name of East Brunswick school district, and the said district shall be subject to all the provisions, and receive all the benefits of the laws enacted relative to common schools.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The tenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 96.

AN ACT

Assenting to a purchase made by the United States, of a piece of land, near Pittsburgh, for a Marine hospital.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the assent of the legislature of the commonwealth of Pennsylvania, is hereby granted to a purchase made by the United States, of a lot of ground for a Marine hospital in the reserved tract opposite Pittsburgh, and conveyed by Luther Halsey, and Anna his wife, to the United States, by deed dated seventh of November, eighteen hundred and forty-two, and containing ten acres forty perches and forty-eight hundredths of a perch, according to the boundaries described in the deed of the purchase above mentioned, and under the like terms and conditions as are provided in "An Act assenting to a purchase made by the United States, of a piece of land near Pittsburgh," passed nineteenth day of March, eighteen hundred and sixteen.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The tenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 97.

A N A C T

To confirm the title to a certain tract of land, late the estate of Jonathan W. Wadsworth, deceased.

Preamble.

WHEREAS, Jonathan W. Wadsworth, late of Venango township, Crawford county, deceased, in his lifetime entered into a parol contract with William Thomas to convey to him in fee a certain tract of land, situate in said township, containing fifteen acres and one hundred and fifty-seven perches, of which he was then seized, and received part of the consideration money for the same, and afterwards died without making any provision for the performance of said contract.

And whereas, David Wadsworth, the father and administrator of the said Jonathan W. Wadsworth, received the remainder of the consideration money, and executed a deed conveying the said premises to the said William Thomas in fee, without obtaining a decree by the proper court for the specific performance of said contract, or any order for such deed of conveyance, and doubts have arisen whether the said deed vested the title to the said premises in the said William Thomas, and would debar the heirs of the said Jonathan W. Wadsworth from recovering said tract of land from the assigns of the said William Thomas; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the deed of conveyance executed by David Wadsworth, administrator of Jonathan W. Wadsworth, late of Venango township, Crawford county, deceased, dated June sixteenth, one thousand eight hundred and thirty-six, and recorded in the recorder's office of said county, in deed book T, page sixteen, conveying to William Thomas in fee, a certain tract of fifteen acres and one hundred and fifty-seven perches of land, situate in said township, which the said Jonathan W. Wadsworth in his lifetime had by parol contracted to convey to the said William Thomas, shall be construed, deemed, and taken to pass and vest in the said William Thomas, his heirs and assigns, in fee, all the right, title, interest and estate of the said Jonathan W. Wadsworth in said premises at the time of his decease, as fully, to all intents and purposes, as if such deed had been duly executed by the said Jonathan W. Wadsworth in his lifetime; and his heirs are hereby debarred from recovering the said tract of land, or any part thereof, from said William Thomas, his heirs or assigns.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 98.

AN ACT

To repeal a supplement to the act, entitled "An Act relative to the expenditure of the road taxes in Fayette county, and for other purposes," approved the fifth day of May, A. D. one thousand eight hundred and thirty-two, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a Fayette county. supplement to the act, entitled "An Act relative to the expenditure of the road taxes in Fayette county, and for other purposes," which authorizes the supervisors of the public roads and highways of Salt Lick township, in said county, to levy and collect a certain portion of the road tax in cash, approved on the fifth day of May, A. D. eighteen hundred and thirty-two. be and the same is hereby repealed.

SECTION 2. That it shall be lawful for the taxable inhabitants of the Public roads in townships of New Garden and Pennsbury, in the county of Chester, at Chester county. their next township election for supervisors of the public roads and highways, to elect three suitable persons as supervisors, one for one year, one for two years, and one for three years, and one person annually thereafter, to serve for three years, any two of whom may constitute a quorum to do business; and whose duty it shall be within fifteen days after their election, and every three years thereafter, to lay out and divide the public roads and highways in said townships into sections not exceeding one-half mile in length, which they shall number and describe in a book kept by them for that purpose. They shall also distinctly specify therein what they deem necessary for the improvement and keeping in good repair the said public roads and highways, with an estimate of the amount of money which it will require to improve and keep in repair each and every section of the said roads respectively, for the term of three years; and when the supervisors shall have so laid out and divided the said public roads and highways as aforesaid, they shall within two days thereafter give at least ten days' notice, by six or more handbills put up in the most public places in the said townships, designating the time and place for the taxable inhabitants of said townships to meet, at which time and place it shall be the duty of the said supervisors to attend and sell out at public sale, for the term of three years. to the lowest and best bidder of the taxable inhabitants of the said townships, the said sections of the public roads and highways, according to the terms therein specified, one section at a time, until they are all disposed of; but no section shall be sold for more than the sum estimated thereon by the supervisors, and if any section or sections shall then remain unsold on account of no bid having been made, or on account of their having been bid higher than the amount estimated by the supervisors, they shall be again set up and sold to the lowest bidder, not exceeding the estimate aforesaid, and if any section or sections shall still remain unsold, the supervisors shall afterwards let out such section or sections on private contract: *Provided*, That the said supervisors *Proviso.* shall not be allowed either directly or indirectly to purchase or contract for any section of road so sold or let out: *Provided also*, That only one-third part of the amount of the said sales and contracts shall be

paid to the respective purchasers and contractors in any one year, except in such cases as are hereinafter provided for.

Contracts.

SECTION 3. Any person or persons who shall purchase or contract for a section of road as aforesaid, shall write his or their names respectively in the supervisors' book opposite to the section or sections so purchased or contracted for, together with the amount of the purchase or contract money.

Roads, how kept.

SECTION 4. It shall be the duty of the contractors to keep their sections in good and substantial repair, by having the bed of the road raised in the middle and sloping gradually each way to the sides, where ditches or drains shall be kept open of sufficient depth and width to carry off the water, and in order to hasten the gradual wearing away and reduction of the hills, it shall not be lawful to construct crossways or open drains across the bed of the road within fifty feet of their tops or summits, nor shall such crossways or drains be constructed on the slopes or sides of hills of less grade than five degrees; strong embankments at least one foot high shall be made along the sides of the road at the foot of hills, for the purpose of preventing as far as practicable the loose earth carried down from being washed away; loose stones shall be

Penalty for neglect to keep roads in repair.

carefully removed or covered with earth; should any person neglect or refuse to make the improvements and keep his or her section or sections of road in good repair, as purchased or contracted for as aforesaid, upon complaint of any of the citizens of the township, or of the adjoining townships, made to the supervisors or either of them, it shall be the duty of the said supervisors to examine the section or sections complained of as soon as practicable, and if they deem the complaint well founded, to give notice to the party or parties complained of to make the improvements, and put his, her, or their section or sections of road in good repair, according to the terms specified therein, within six days thereafter; and if he, she, or they shall refuse or neglect to comply with said notice until the expiration of the said six days, it shall be the duty of the supervisors to have the said section or sections improved and repaired, according to the terms specified in his, her, or their purchase or contract, and the costs of improving and repairing the same shall be recoverable by the supervisors of such person or persons so neglecting or refusing, as other debts of equal amount are by law recoverable, with costs of suit; and upon a second complaint of neglect or refusal of the same person or persons in any one year, which the supervisors shall deem well founded, his, her, or their contract or contracts shall be declared forfeited.

When contracts may be surrendered.

SECTION 5. It shall be lawful for any purchaser or purchasers, contractor or contractors, who may remove out of the said townships, to yield up to the supervisors the unexpired portion of his, her, or their term, by giving due notice thereof in writing at least twenty days before the next election for supervisors; and the unexpired term of such purchase or contract so yielded up, and of the contracts forfeited under the preceding section, shall be sold at public sale, or let on private contract, in the manner and form provided for in the second section of this act: *Provided*, That in case of death or removal out of the township, the supervisors shall pay to the representatives of persons so deceased and to persons so removing, such portions of the money specified in their respective contracts, as they shall believe them justly entitled to.

Supervisors' duties.

SECTION 6. It shall be the duty of the supervisors to inspect all the roads in said townships at least once in two months, and if they shall at any time find that any of the purchasers or contractors have neglected or refused to keep in good repair any section or sections of road purchased or contracted for by him, her, or them, according to the terms

specified, they shall give notice to such purchaser or purchasers, contractor or contractors, as is directed in the fourth section of this act; and if any of them neglect or refuse to comply with said notice, they shall proceed as is directed in the aforesaid section of this act, and enforce payment in like manner.

SECTION 7. The supervisors of said townships shall be allowed such Pay. compensation for their services, as the auditors of the township may deem just and equitable, not exceeding one dollar for every day they shall be necessarily employed in discharging the duties of their office.

SECTION 8. So much of the laws of this commonwealth relating to public roads and highways, as is inconsistent herewith, is hereby repealed, so far as relates to the townships of New Garden and Pennsylvania, in the county of Chester. Repeal.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 99.

AN ACT

To provide for the election of commissioners for opening and repairing the public highways in Blockley township, Philadelphia county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of the township of Blockley shall, at the time and place of holding their township election, on the third Friday of March, eighteen hundred and forty-five, elect nine citizens of the said township to serve as commissioners, whose duty it shall be to have the supervision of the public highways of the said township, and cause the same to be opened and repaired as they are at present by the supervisors, or by contract in part or the whole, to the lowest and best bidder, (of which ten days' notice, in at least ten of the most public places in the township, shall be given,) as they or a majority of them shall determine; and the said commissioners shall be subject to the same penalties, and shall have all the powers and authority vested in them, which supervisors of the public highways have under the laws of this commonwealth, whose office as well as duties it is intended they shall supply, and their notification of election, and the returns thereof, shall be the same as are provided by law for the supervisors. Commissioners.

SECTION 2. The said commissioners shall meet on the first Thursday after their election in said township, at two o'clock in the afternoon of the said day, and proceed to divide themselves by lot into three classes, Classification.

one-third to serve one year, one-third two years, and the remaining one-third three years; and the qualified electors of said township shall annually thereafter, at the same time and place, and in the same manner, elect three citizens of the said township to serve as commissioners aforesaid, who shall hold their office for three years: *Provided*, That in case of a vacancy, by death or otherwise, of any of the said commissioners, the board of commissioners at their next stated meeting shall elect a suitable person to supply the vacancy until the next annual election, at which time and place, and in manner aforesaid, the qualified electors in said township, shall elect a commissioner to supply such vacancy; the said commissioners, (a majority of whom shall constitute a quorum,) shall hold stated meetings, and annually elect from their number a president and secretary; it shall be the duty of the secretary to keep a full and correct record of all their proceedings, which shall be entered in a book for that purpose, and open to the inspection of all persons interested therein; they may adopt from time to time, rules and regulations for their own government at their stated meetings, and call special meetings when necessary, as they or a majority of them shall approve.

SECTION 3. The said commissioners shall order and direct the per centum of tax to be annually levied for opening and repairing the public highways; they shall appoint a collector, whose duty it shall be to collect and pay to the order of the commissioners, whose orders shall be signed by the president, and attested by the secretary, all the moneys so assessed and levied for the opening and repairing the public highways, whose commission shall not exceed five per cent. for collecting and paying over the same, and shall give such security in the amount of the tax levied for the faithful performance of his duty as the commissioners shall approve, and the accounts of said commissioners shall be annually audited by the township auditors as other accounts are by law audited: *Provided*, That no commissioner shall be concerned either directly or indirectly, in any contract for the opening or repairing of the public highways, or be entitled to receive any compensation for their services, neither shall they or any of them serve as collector, or be security for any collector, or serve as township auditor, during their term of office.

SECTION 4. That from and after the passage of this act, there shall be elected annually by the said citizens at the aforesaid time and place, in lieu of the two overseers of the poor for the said township, one competent citizen, whose duty it shall be to perform all the duties which overseers of the poor are by law required to perform, and be subject to the like liabilities: *Provided*, That in lieu of the power to levy and collect the poor tax, the said overseer of the poor shall, immediately on receipt of the notice of his election, make an estimate of the amount that will probably be required for the support and maintenance of the poor of said township for the ensuing year, and lay the same before the auditors of said township for their examination and approval, and when so approved shall give notice in writing to the commissioners elected under the provisions of this act; and it shall be the duty of the said commissioners, on the receipt of the said requisition, and they are hereby authorized and empowered, to levy the said amount of poor tax, and cause the same to be collected by the said collector in the same manner as poor taxes are now by law levied and collected, for which the said collector shall be allowed five per cent., and be required to give such additional security as the said commissioners shall require, for the faithful collection of the same, and for promptly paying all orders drawn by the said overseer of the poor; and as a full com-

Proviso.
Vacancy.

Quorum.

Tax.

Proviso.
Contracts.

Overseer of the
poor.

Proviso.

Poor tax, how
levied, &c.

pensation to the said overseer of the poor for the faithful performance of his services, he shall be paid, by orders drawn and signed by the said president and secretary on the said collector, the sum of one hundred dollars, in quarterly payments.

SECTION 5. That the qualified citizens of the township aforesaid School directors shall, at the aforesaid time and place, elect three citizens in addition to the number now required by law to serve as school directors, and the said directors so elected shall divide themselves by lot into three classes, one-third to serve one year, one-third two years, and the remaining one-third three years, and annually thereafter the qualified electors of said township shall elect two citizens to serve as school directors; and that so much of the acts, or parts of acts of assembly, as the foregoing acts are intended to supply in the township of Blockley, be and the same are hereby repealed.

SECTION 6. That hereafter the commissioners of Washington county Washington shall not be required to hold appeals in the respective townships of said county commissioners. county, and it is hereby made the duty of the commissioners to convene at the commissioners' office in the town of Washington, on the first Monday in every month, and then and there, and at every other time when in session, to hear the complaint of any person or persons to whom a tax is charged, and if the commissioners are satisfied that injustice has been done to any such complainant in the assessment or charge of tax, the commissioners shall correct and adjust the same on principles of law and equity, in the same manner as now practiced when holding appeals in the respective townships.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 100.

AN ACT

Authorizing the Governor to incorporate the Wiconisco canal company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners.

Jacob Lex, Jacob L. Sharpe, William Musser, Singleton A. Mercer, E. L. Moss, George H. Thompson, Stephen Colwell, Thomas Diehl, Edward J. Etting, Isaac Prince, and Edward Gratz, of the city of Philadelphia, Simon Cameron, Thomas Elder, Jacob M. Haldeman, Henry Shaeffer, Henry Walters, Henry Buehler, John P. Leebrick, Benjamin Musser, Edward Witman, John P. Rutherford, James Martin, William J. Robinson, Isaac Updegrove, Simon Sallade, Philip Dougherty, A. B. Hamilton, and John Roberts, of the county of Dauphin, or any three of them, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They or any three of them shall, within four months after the passage of this act, procure books, one or more of which shall be opened at some convenient place or places, in which the following entries shall be made: "We, whose names are hereunto subscribed, do promise to pay to the Wiconisco canal company twenty dollars for each share of stock set opposite our respective names, in such manner and proportions at such times, and under such regulations and conditions as may be agreed upon by the commissioners aforesaid, or determined by the president and managers of said company, in pursuance of "An Act authorizing the governor to incorporate the Wiconisco canal company." Witness our hands this

Form of subscription.

day of
Anno Domini, one thousand eight hundred

Notice of subscribing.

and forty-five;" and the said commissioners shall thereupon give notice in at least one of the newspapers printed in Philadelphia, Baltimore and Harrisburg, for ten days, of the times and places, when and where the said books are to be opened, to receive subscriptions for the stock of said company, at which respective times and place or places at least one of the said commissioners shall attend and permit all persons of lawful age, who shall offer to subscribe in said books in their own name or the name of any other person, who shall authorize the same, for any number of shares in the said stock, and any incorporated company or body politic may subscribe as aforesaid; and the said books shall be kept open for the purpose aforesaid for at least four hours in every juridical day for the space of three days, or until there shall be subscribed three thousand shares; and if at the expiration of said three days there shall not be subscribed upon the books aforesaid, the said three thousand shares, the said commissioners may adjourn from time to time, and transfer the said books elsewhere until the whole number of three thousand shares shall be subscribed, of which adjournment and transfer the commissioners shall give such notice as the occasion may require; and when the whole number of three thousand shares shall be subscribed, the said books may be closed: *Provided always,* That every person offering to subscribe in said books in his own or in any

Proviso.

other persons name, shall previously pay to the attending commissioner the sum of five dollars on each share to be subscribed, out of which shall be defrayed the expenses of taking such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereafter mentioned: *And provided further*, That the whole number of shares subscribed before the organization of the company shall not exceed three thousand, and if an excess above that number shall be subscribed, the commissioners shall reduce such excess proportionably among the subscribers.

SECTION 2. When the said three thousand shares shall have been subscribed by five or more persons, the commissioners, or any three of them, shall certify to the governor, under their hands and seals, the names of the subscribers and the number of shares subscribed by each; whereupon the governor shall, by letters patent under the great seal of the commonwealth, create and constitute the subscribers into a body politic and corporate, by the name, style and title of "The Wiconisco Canal Company," and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, subject to the limitations and restrictions imposed and prescribed by this act; and shall be capable of taking and holding their capital, and the increase and profits thereof, and of purchasing, taking and holding to them, their successors and assigns, in fee and for any less estate, such lands, tenements and hereditaments and estate, real and personal, as may be necessary to them in the prosecution of their business as a canal company, and of suing and being sued, and doing other matters and things which a body politic and corporate may lawfully do.

SECTION 3. The commissioners hereinbefore named, or any three of them, shall, as soon as conveniently may be after the said letters patent have been obtained, give ten days notice in at least one of the newspapers printed in Philadelphia and Harrisburg, of a time and place by them appointed for the subscribers to meet in order to organize the said company, and to choose, by a majority of votes of the subscribers, given in person or by proxy duly authorized, seven managers and such other officers as shall be deemed necessary, which said managers shall appoint one of their number to be president, and shall conduct the business of said company until the first Monday of November next ensuing, and until other like officers shall be chosen as hereinafter directed: the said president and managers shall meet, as soon as convenient after their election, and when so met, four of them shall form a quorum for the transaction of all business; they shall keep a full minute of all their proceedings fairly entered in a book, and shall have full power to appoint a treasurer, and such other officers, surveyors, engineers, superintendents and agents as they may think necessary to carry on their work, to fix their salaries or compensation, and to demand and take from them such securities for the faithful discharge of their respective duties as they may think proper, in such sums as may be fixed by law or resolution, and also, at their first or any subsequent meeting, to make such by-laws, rules and orders as do not contravene the constitution and laws of the United States or of this state, and may be convenient and necessary for the well governing of the affairs of said company, also to fix and direct the time, manner and proportions in which the stockholders shall pay the moneys due on their respective shares, and disburse the same in the business of the said company, by orders drawn on the treasurer, signed by the president, or in his absence by the president pro

Letters patent.

Name.

Privileges and franchises.

Organization.

Quorum.

By-laws.

tem., and generally to do all such other acts, matters and things, as by this act and by their by-laws and the regulations of the said company they are authorized to do.

Managers to take possession of canal.

SECTION 4. The said Wiconisco canal company, when organized as aforesaid by the election of a board of managers and the appointment of a president, as is prescribed in the foregoing section, are hereby authorized to enter upon and take possession of the Wiconisco canal from the mouth of the Wiconisco creek to the slack water at the Clark's ferry dam, in Dauphin county, and to finish and complete the same, with a feeder from the Susquehanna river at the upper end thereof, according to the original plan thereof, or with such alterations, and in such other manner as the said company may deem expedient: the whole work, however, to be done in a permanent, substantial and workmanlike manner, and so arranged and finished as entirely to accomplish the object for which it was located and thus far constructed: *Provided*, That unless the work of finishing said canal shall be commenced and carried on within two years from the passage of this act, and the whole of the said canal be completed and in operation, according to the true intent and meaning of this act, within three years, then and in either of those cases all and singular the rights, privileges, liberties and franchises hereby granted to said company shall revert to the commonwealth.

Works transferred to company.

SECTION 5. The said Wiconisco canal, with all the work done upon the same, and the materials provided for continuing and completing any unfinished work, as far as the same belongs to the commonwealth, are hereby transferred to the said Wiconisco canal company, with full power and authority to finish and complete the same, and for that purpose by themselves, their superintendents, engineers, artists, workmen and laborers, to enter in and upon the said canal, and to occupy all the land which shall be necessary and suitable for constructing said canal, with the locks, aqueducts, waste-weirs, bridges, toll houses, and other necessary works, doing as little damage as possible, and making compensation, or giving adequate security therefor, to the owner of such property, where the same has not been assessed, settled or released, which, if the parties do not agree, shall be assessed and ascertained by any three disinterested freeholders of Dauphin county, under oath or affirmation, to be appointed by consent of parties, or if they cannot agree, by the court of common pleas of said county upon petition, from whose decision an appeal may be entered to the said court within thirty days after such report may have been filed in the office of the prothonotary of the said county, in the same manner and on the same terms as appeals are or may be allowed in other cases under the law regulating compulsory arbitrations; and on the completion of the said canal it shall be the duty of the president of the said company to file in the office of the auditor general of this commonwealth, a particular and detailed statement of the amount expended by the said company on, said canal, which statement shall be verified by the oath or affirmation of the president, and attested by the treasurer and secretary of the company for the time being.

Statement of expenses.

SECTION 6. The said Wiconisco canal shall be held and enjoyed by the said Wiconisco canal company as fully, to all intents and purposes, as if the same had been located, constructed, and completed by them, and shall at all times be kept in good and perfect repair for the accommodation of the public: *Provided*, That at any time after the first day of January, Anno Domini one thousand eight hundred and fifty-three, it shall be lawful for the commonwealth to resume the said line of canal, privileges and franchises hereby granted, by paying to said company

Commonwealth may resume canal, &c.

the amount of money expended by them in finishing and completing the same, with the money expended for repairs, collection and supervision, with interest thereon at the rate of eight per cent. per annum, deducting from the principal and interest aforesaid the amount of tolls received during the period which the company has possession of said canal, and on the payment thereof by the commonwealth to the said company, all and singular, the canal aforesaid, with its appurtenances, shall be vested in the commonwealth, and the corporate rights hereby granted to the Wiconisco canal company shall thereupon cease and determine, excepting so far as the same may be necessary in the settlement of the concerns of said company.

SECTION 7. The said Wiconisco canal company, in the completion and finishing said canal, shall, in the letting of all work now under contract, give preference to the present contractors; and in order to allow such contractors an opportunity to offer, shall give previous public notice of the letting of such work, for the space of three weeks, in at least two newspapers printed at Harrisburg. Contractors.

SECTION 8. The stockholders of this company shall meet annually on the first Monday of November of each year, at such place as may be fixed upon by the board of managers, of which at least ten days notice shall be given by the treasurer in the newspapers before mentioned, and choose by the votes of a majority of those present, in person or by proxy as aforesaid, the officers mentioned in the third section of this act, who shall continue in office for one year and until others are chosen, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by the by-laws, at which annual or special meeting they shall have full power to make, alter, or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders, and regulations, made as aforesaid, and to do all or any other corporate act or acts: *Provided*, That none but stockholders, citizens of this commonwealth, shall be eligible to be elected managers; and that at every such election, and in all other cases in which the stockholders shall be called upon to vote, each share of stock shall be entitled to one vote, if it shall have been originally subscribed for by the person offering to vote, or held by him at least three calendar months prior to the day of election, absolutely and bona fide, in his own right or in the right of his wife, or as executor, administrator, trustee, or guardian, or in the right and for the use of some co-partnership, corporation or society of which he may be an agent or member; and in all cases of election for managers the seven stockholders having the greatest number of votes shall be declared elected; the omission of the stockholders to meet and elect as aforesaid shall work no forfeiture, but they may afterwards be called together for that purpose by the managers. Annual meeting.

SECTION 9. The president and managers shall, as soon as is convenient, procure certificates or evidences of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the corporate seal of the said company, to each person for every share of stock by them subscribed or held, or, at the option of the subscriber, one certificate for the whole or any less number of shares by him subscribed, which certificate or evidence of stock shall be transferable at his pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer, who shall keep a book for that purpose, subject, however, to all payments due or to become due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in the books of the company kept for the transfer of stocks, shall be a Officers.
By-laws.
Proviso.
Certificates of stock.

member of said corporation, and for every certificate assigned to him, as aforesaid, shall be entitled to one or more shares of said capital stock, according to the tenor of said certificate, and of all the estates, emoluments and dividends of the said company incident to such shares, and to vote, as aforesaid, at the meetings thereof, and be subject to all penalties and forfeitures, and to be liable for all balances and penalties due on such share or shares, as the original subscribers would have been.

Penalty for neglect to pay instalments.

SECTION 10. If, after thirty days notice in the public papers aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed for the space of thirty days after the time so appointed, every such stockholder or his assignee shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment, as aforesaid, the said president and managers may, at their election, cause suit to be brought before an alderman or justice of the peace, or in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalment or arrearages may be due and payable more than thirty days previously to the said election or meeting.

Proviso.

Power to enter upon lands for materials.

SECTION 11. The president and managers, their superintendents, engineers, artists, workmen and laborers, with their tools, instruments, carts, wagons, and other carriages and beasts of burden or draft, may enter upon the lands contiguous to the route on the said canal, giving or publishing notice to the owners thereof, and from thence take and carry away stone, gravel, sand, earth, or other materials necessary to the construction of said canal, doing as little damage as possible, and repairing any breaches they may make in the enclosures thereof, previously making compensation for any damages that may be done thereon, or for materials to be taken away or giving adequate security therefor, which, if the parties do not agree, shall be assessed and ascertained by any three disinterested freeholders of the said county, under oath or affirmation, to be appointed by consent of parties; or if they cannot agree, by the court of common pleas of Dauphin county upon petition, from whose decision an appeal may be entered to the said court within thirty days after such report may have been filed in the prothonotary's office of the said county, in the same manner as provided for appeals in the fifth section of this act.

Damage.

Viewers.

SECTION 12. As soon as the said president, managers and company, shall have completed the said canal or navigation, they shall give notice thereof to the governor, who shall thereupon nominate and appoint three disinterested persons to view and examine the same, and report to him in writing under oath or affirmation, whether the said navigation is executed in a complete and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand and the less seal of this commonwealth, permit the said president, managers

License.

and company, or such person or persons as they shall from time to time appoint as toll collectors, or their deputies, to demand and receive tolls of and from the persons having the charge of any boat, ark, or other vessel passing through said canal: *Provided*, That the tolls on the said canal shall at all times be the same rates, as may for the time being be charged upon the Eastern division of the Pennsylvania canal. Proviso.

SECTION 13. The toll collectors appointed as aforesaid shall, and they are hereby authorized not to permit the passage of any boat or vessel through the said canal, until the tolls fixed by the company are first paid and discharged by the owner, shipper or supercargo, or may bring suit for the same against said owner or shipper, supercargo or captain, before any competent tribunal, according to law, in the name of the said company. Collectors.

SECTION 14. The president and managers of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners and subscribers, on account of the several subscriptions of all penalties for delay in the payment thereof, and the amount of the profits on the shares which may be forfeited as aforesaid; and also of all moneys by them expended in the prosecution of the said works, and shall in every year submit such accounts to the stockholders at their annual meeting to choose officers of the company, and the aggregate amount of such receipts and expenditures shall be ascertained, and if upon such liquidation, or when the capital stock subscribed shall be nearly expended, it shall be found that the said capital stock will not be sufficient to complete the said navigation according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened for the purpose, to increase the number of shares to such extent as may be deemed sufficient to accomplish the work, and to receive and demand the moneys for shares so subscribed, in like manner and under like penalties as are hereinbefore provided for the original subscription, or as shall be provided by their by-laws: *Provided*, That the capital stock of the said company shall never exceed five thousand shares. Accounts.

SECTION 15. That it shall and may be lawful for the president and managers of the said company, from time to time, and at all times, to borrow such sums of money and on such terms as they may deem expedient, for the use of the said company, and to issue bonds or certificates of loan therefor in amounts not less than five hundred dollars each, and to pledge or mortgage all or any part of the estates, tolls, improvements, privileges, effects and assets, whatsoever of the said company, as security of such loan or loans: *Provided*, That the whole amount of money so obtained on loan or loans, shall not exceed sixty thousand dollars, and the bonds or certificates of loan authorized to be issued by this section, shall not be sold by the company for less than their par value: *And provided also*, That the capital stock of said company of three thousand shares shall be first paid in before the said company shall be authorized to borrow money as aforesaid: *And provided also further*, That no bonds or other evidence of indebtedness shall be issued by said company, except for money borrowed by virtue of this section; and no contract shall be made by said company for work to be done, or materials furnished for the completion of the said canal, which shall be payable otherwise than in cash. Borrow money.

SECTION 16. That the president, managers and company, shall also keep a just and true account of all the moneys received by their several and respective collectors, by tolls and other emoluments, and shall make and declare a fair dividend of the clear profits and income thereof. Proviso.

among all the stockholders, all contingent costs and charges being first deducted, and shall, on the first Monday in November and the first Monday in May every year, publish the half-yearly dividends made of the clear profit, and the time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly; that the president and treasurer of said company are required to return to the auditor general of this commonwealth, on or before the first Monday of January in each year, a full and accurate account of the money actually expended by the said company in the construction of the work under the provisions of this act, the amount of capital stock subscribed, the amount of capital paid in, and the amount of money borrowed, and at what rate of interest per annum, the number and names of the officers of said company, the salaries paid to such officers, the annual expenditures and receipts, and the dividends declared; which abstract shall be verified by oath or affirmation of the president and treasurer of the company for the time being.

Report to auditor
general.

Causeways,
bridges, &c.

SECTION 17. The said canal shall be so constructed as not to obstruct or impede the use or passage of any public road or roads which may cross the same and being now laid out, and in all places where said canal may cross or interfere with any public road now laid out, it shall be the duty of said company to make, or cause to be made, a good and sufficient causeway or bridge, to enable persons passing or travelling such public roads to cross or pass the said canal, which causeways and bridges shall be made and maintained by the said company; and if the company shall neglect or refuse to make such causeways or bridges as soon as practicable, or when made to keep them in good repair, they shall be liable to pay a penalty of ten dollars for every day the same shall be neglected or refused, after having been notified in writing, to be recovered by the supervisors of the township, with costs, for the use of the township, as debts of a like amount are by law recoverable; and shall moreover be liable to an action or actions at the suit of any person who may be aggrieved thereby, and the service of process upon any officer or agent of the said company, shall be as good and available in law as if served upon the president thereof.

Farm bridges.

Proviso.

SECTION 18. For the accommodation of all persons owning or possessing lands through which the said canal may or shall pass, it shall be the duty of said company, when required, to make, or cause to be made, a good and sufficient bridge or bridges wherever the same may be necessary, to enable the occupant or occupants of said lands to cross or pass over the said canal with wagons, carts, and implements of husbandry, as the occasion may require: *Provided*, That said company shall in no case be required to make, or cause to be made, more than one bridge on each plantation or lot of land, for the accommodation of any one person owning or possessing lands through which the said canal may pass; and where any public road shall cross the said canal, the person owning or possessing land through which the said canal may or shall pass, shall not be entitled to make such requisition on said company, and the said bridge or bridges when so made and constructed shall be maintained and kept by the said company; and if the said company shall refuse or neglect to make such bridge or bridges, or when made to keep the same in good repair when duly notified thereof, the said company shall be liable to pay any person aggrieved thereby all damages sustained by such person, in consequence of such refusal or neglect, to be sued for and recovered before any justice of the peace or court having cognizance thereof, and the service of process upon any officer or agent of the said company shall be good and valid in law as if served upon the president thereof: *Provided*, That the owner or own-

ers of land through which said canal passes, shall not be prevented from constructing bridges over said canal, agreeably to the form and position of the bridges constructed by said company.

SECTION 19. No suit or action shall be brought or prosecuted by any *Suits.* person or persons for penalties incurred under this act, unless said suit or action shall be commenced within six months next after the offence shall have been committed, or the cause of action have accrued, and the defendant or defendants in each suit or action may plead the general issue, and give this act and the special master in evidence, and that the same was done in pursuance and by authority of this act.

SECTION 20. If any person or persons shall wilfully and knowingly *Penalty for injuring works.* break, injure or destroy the banks, locks or other part of said canal, or any edifice or device, or any part thereof to be erected by said company in pursuance of this act, he, she or they shall for every such offence forfeit and pay to the said company three times the actual damages so sustained, to be sued for and recovered with costs of suit in any court having cognizance thereof, by action of debt, in the name and for the use of said company.

SECTION 21. That if the company incorporated by this act shall at *Banking prohibited.* any time issue any note or notes, in the nature of bank notes, or shall transact any business in the nature or manner of banking, then and in either of those cases their chartered privileges shall cease and revert to this commonwealth.

SECTION 22. That it shall at all times be lawful for a committee of *Inspection of books.* the legislature, or either branch thereof appointed for that purpose, to inspect the books and examine into the proceedings of the corporation hereby created, and to report whether the provisions of this charter have been by the same abused and violated, and if the officers of said corporation should refuse to be sworn or affirmed to give evidence, or to produce all such of their books or papers as may be demanded before any such committee, the legislature may by law declare the said charter void, and repeal the same; and whenever any committee as aforesaid shall find and report, or the governor shall have reason to believe that the charter has been violated, it may be lawful for the legislature to direct, or the governor to order a scire facias to be issued out of the supreme court of this commonwealth, which shall be executed on the president of the corporation for the time being, at least ten days before the commencement of the term of the said court, calling on the said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited, and it shall be lawful for the said court upon the return of the said scire facias to examine into the truth of the said violations, and if such violations be made to appear, then to adjudge that the said charter is forfeited, and thereupon, and in case the legisla- *Forfeiture of charter.* ture shall declare the said charter void and repeal the same for the cause aforesaid, the canal aforesaid, with the appurtenances, and all the estate, real and personal, of the said corporation, shall revert to, and revest in the commonwealth, upon the payment by the commonwealth to the stockholders of the money expended as prescribed in the fifth section of this act, and until the commonwealth shall have made such payment to the managers of the said company, to be by them distributed among the stockholders, the rights, privileges and franchises of the said corporation shall remain as though said judgment or forfeiture had not been declared or pronounced: *Provide.* *Provide.* That every issue of fact which may be joined between the commonwealth and the corporation in said proceeding, shall be tried by a jury, summoned by an officer to be named by the court from the body of the state, and it shall be lawful for the court aforesaid to require and compel the production of such of

the books and papers of the corporation on such trial, as it may deem necessary for the ascertainment of the controverted facts, and the final judgment of the court shall be subject to all the usages of law as in other cases.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirteenth day of March, A. D. one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 101.

AN ACT

Relating to the election of township officers in Passyunk township, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the eighth and ninth sections of the act, passed the twenty-eighth day of February, one thousand eight hundred and thirty-five, entitled "A supplement to the act relating to county rates and levies, and township rates and levies, and to the act relating to counties and townships, and county and township officers," be and the same are hereby repealed, so far as the same regards the township of Passyunk, in the county of Philadelphia; and the said act relating to counties and townships, and county and township officers, passed the fifteenth day of April, one thousand eight hundred and thirty-four, shall be construed and taken to apply in all its provisions to Passyunk township, in the county of Philadelphia aforesaid. That on the third Friday in March, one thousand eight hundred and forty-five, the qualified citizens of the said Passyunk township, shall elect three supervisors, one whereof to serve for one year, one to serve for two years, and one to serve for three years, and annually thereafter, one to serve for three years; also a township treasurer, to serve for one year, and that hereafter the township officers of said Passyunk township shall be elected in pursuance of the provisions of the aforesaid act relating to counties and townships, and county and township officers, and shall perform all the duties, and be subject to the same responsibilities, as are therein provided for.

Repealing clause
of part of former
acts.

To elect three su-
pervisors.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 102.

AN ACT

Relating to the Hanover and Carlisle turnpike road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the election for managers of the Hanover and Carlisle turnpike road, shall be held annually on the second Tuesday of December, at the public house now occupied by William W. Hamersly, in Petersburg, Adams county, at which the bona fide stockholders, (including the holders of the stock formerly held by the commonwealth,) either in person or by proxy, duly appointed according to law, shall elect five stockholders to be managers for one year, commencing on the first day of January next thereafter, and until others shall be elected in their place; also one stockholder to be treasurer of said company, and notice of such election to be published before the holding of the same, for three weeks in one newspaper in Gettysburg, one in Carlisle and one in New Bloomfield: *Provided, however,* That any stockholder residing within five miles of the place of holding said election, shall not vote by proxy.

To elect five stockholders to be managers.

Proviso.

SECTION 2. The first meeting of the managers so elected, shall be held on the first Monday in January, and they shall elect one of their own number to be president and another to be secretary, and shall appoint all necessary gate-keepers, superintendents and other agents. In case of vacancy in the board of managers, or in any office or appointment aforesaid, the board shall have power to fill the same, and also to remove any president, secretary, gate keeper or other agent.

First meeting of managers.

Vacancy, how supplied.

SECTION 3. The act authorizing the commissioners of Adams and Cumberland counties to elect managers of said road, is hereby repealed; and after the passage of this act, William Moore, Thomas Paxton and George D. Foulke of Cumberland county, William W. Hamersly and Daniel Shaffer of Adams county, shall be managers of said road, and Samuel Given of Cumberland county, shall be treasurer of said turnpike road company. who, on being duly qualified, shall serve until the second Tuesday of December, eighteen hundred and forty-five, and until successors shall be elected and qualified according to the provisions of the first section of this act, and existing laws in relation to the said company; and the managers and treasurer of said company appointed by this act, shall be qualified and commence the performance of their duties immediately after the passage of this act: *Provided,* That no person shall vote at any future election held in pursuance of this act, who has not held the stock in right of which he claims to vote at least three months before such election, nor shall any stockholder be entitled to more than five votes at such election: *And provided further,* That the election of such managers and treasurer shall not be opened before one o'clock, P. M., of the day of holding the same; and nominations for judges of such election shall not be made before twelve o'clock, M., of said day.

Repeal of a former act.

Managers names.

Term of service.

Proviso.

Second proviso.

SECTION 4. The compensation of the president, secretary and managers aforesaid, shall not exceed one dollar and fifty cents per day each.

Compensation of president, &c.

The treasurer shall receive a compensation of fifty dollars per annum, and it shall be his duty to receive and pay over to such persons as the managers shall direct, all tolls collected by him : *Provided*, That such per diem allowance of the managers aforesaid shall not exceed fifty dollars per annum, nor shall any allowance for expenses or other purposes be allowed to them ; the secretary, however, shall receive, in addition to the compensation aforesaid, the sum of thirty dollars per annum.

Tolls, how regulated.

SECTION 5. No special license or permit shall be given by any president, manager, treasurer, or gate keeper, to any person to travel on said road, or to pass its gates for less than the full amount of lawful toll ; but the board of managers shall have power, by general regulation, to allow a reasonable per centage to be deducted from the aggregate amount of tolls of customers of said road, to be settled and allowed quarter yearly.

Workmen, how paid.

SECTION 6. The board of managers may allot the superintendence of sections of said road to the several members of said board, who shall have power to give to the workmen employed in repairing the same, orders for sums due them upon the treasurer, which orders shall be signed by the president, and countersigned by the secretary of said company, and said manager being responsible for the correctness thereof ; and if any manager, treasurer, or gate keeper, shall take, or in any way secure to himself, or to any person for his benefit, any discount, abatement, or profit,

Penalty for taking discount on orders.

in the payment of such order, he shall forfeit a sum equal to double the amount of such order, to be sued for in the name of said company, before any magistrate or court having jurisdiction over actions of debt for like amounts, one-half to be paid to the treasurer of the company, and the other half to the prosecutor ; and such discount, abatement, or profit, shall also be deducted from the amount of such order, or the settlement of the account of the manager, treasurer, or gate keeper, so offending.

Commissioners appointed to perform certain duties.

SECTION 7. That Henry Fetter of Perry county, William R. Saddler of Adams county, and James M'Collough (of William) of Cumberland county, are hereby appointed commissioners to enquire and ascertain who were originally, and who are at the time they shall meet, owners of the capital stock in said company, and having ascertained the same as accurately as shall be in their power, they shall file a list of such stockholders with the treasurer of said company, and also a similar list in the offices of the clerk of quarter sessions of Adams and Cumberland counties, duly certified by them ; which lists respectively shall be legal evidence of such ownership, subject however to the right of any other person to show to either of said courts of quarter sessions, on petition to such court, and on due proof, he, or she, or they are entitled to stock in said company ; which being established to the satisfaction of said board, or of such court, such persons' names shall be added to such list, or shall be substituted in place of the names of such persons as may be so adjudged to be erroneously entered therein ; and the said commissioners shall be entitled to receive one dollar and fifty cents each per day, from the said company, for every day they may be employed in carrying out the duties enjoined upon them by this act : *Provided*, That in no instance shall said per diem allowance exceed fifteen dollars to each of the said commissioners.

Proviso.

President, &c., not to be concerned in making repairs.

SECTION 8. No president, manager, treasurer, or superintendent, shall be concerned, either directly or through any sub-contract, or other arrangement, or by the agency of any other person, in the making of any repairs on said road, and any contract or arrangement, or by the agency of any other person in the making of any repairs on said road, and any contract, or arrangement made for that purpose, shall be deemed wholly void ; and any such president, manager, or treasurer, offending against the provisions of this section, shall forfeit and pay the sum

of one hundred dollars, to be sued for and recovered in any court having jurisdiction over actions of debt for like amount, one-half whereof shall be paid to the treasurer of said company, for the use of the company, and the other half to the prosecutor.

SECTION 9. The treasurer shall make out, at the end of every year. *Duty of treasurer* a statement, to which he shall be sworn or affirmed, containing a full and accurate account of the receipts and expenditures of the company for the preceding year, and file a copy of the same in the office of the clerk of the quarter sessions of each of the counties of Adams, Cumberland, and Perry, and the said statement shall also be published in one newspaper, in each of the said counties.

SECTION 10. That the stockholders of the Pittsburg and New Alexandria turnpike road company shall hereafter, so long as said road *Pittsburg & New Alexandria turnpike.* continues sequestered, annually, on the first Monday in November in each and every year, meet at the house now occupied by Simon

Hugus, in Franklin township, in the county of Westmoreland, and elect three auditors, who are hereby authorized and required to audit *Auditors to be elected annually.* and settle the annual accounts of the sequestrator of said turnpike road, and make report thereof to the court of common pleas of said county:

Provided, That if the said sequestrator shall make oath that injustice *Their duty.* has been done him by any such settlement of his accounts by such auditors, the said court shall entertain an appeal by such sequestrator in the same manner and on the same terms as appeals from the settlements by county auditors are now by law allowed: *And provided also,* That the auditors under this section shall be entitled to one dollar per *Pay per diem.* day for their services, to be paid as shall be ordered by said court.

SECTION 11. All laws altered or supplied by the provisions of this *Repeal.* act, are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 103.

AN ACT

To incorporate the Columbia and Washington turnpike road company, along the Susquehanna river, in Lancaster county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners
appointed.

To open books.

Subscription of
shares.

Notice to be
given.

Capital stock.

Proviso.

Second proviso.

Third proviso.

Peter Haldeman, Joseph Cottrell, Thomas White, Dr. J. S. Clarkson and Joseph W. Cottrell, of the borough of Columbia, Abraham Zook, of West Hempfield township, Dr. Abraham Bitner, George G. Brush, Lewis Urban and Jacob Witmer, senior, of the borough of Washington, and Jacob B. Shuman, of Manor township, or any three of them, are hereby appointed commissioners to do and perform the following duties, that is to say : They shall on or before the first day of August next, open a book or books, at such place or places as they or a majority of them shall agree upon, appointing one or more of their number to attend thereat, and receive the subscriptions so made to the stock of said company, and in the said book or books, shall be written as follows : "We whose names are hereto subscribed, do severally promise to pay to the president and managers of the Columbia and Washington turnpike road company, the sum of twenty dollars, for each and every share of stock subscribed for by us, in such proportion, time and place, as the president and directors of said company shall direct. Witness our hands and seals this _____ day of _____ one thousand eight hundred and forty-five;" of the opening of which book or books, four weeks notice shall be given by advertisement, in the Columbia Spy, and one paper in the city of Lancaster, and such other papers as the commissioners may direct. The said books shall be opened in the boroughs of Columbia and Washington, and kept open for one week at least, in each place, unless the capital stock of said company shall be subscribed for before the expiration of said time, when the books shall be closed ; the capital stock of said company, shall consist of two hundred and fifty shares, at twenty dollars per share, with a privilege of increasing the stock at the same rate per share, should that amount be found not sufficient to finish the work ; and all persons shall be permitted to subscribe in said books, who are of lawful age, either by themselves, or by legally authorized attorney ; and any incorporated company or body politic, may be authorized to subscribe : *Provided*, That no subscription shall be received by any individual or incorporated company, for more than twenty shares, unless a balance remain unsold after the expiration of one week, when any amount of shares not exceeding thirty, may be taken by any person or company : *Provided also*, That no person or incorporated company shall, at any time, be permitted either directly or indirectly, to hold more than forty shares : *And provided further*, That all persons so subscribing, shall pay at the time of subscribing, one dollar on each and every share so taken.

SECTION 2. When fifty shares or more of said stock shall be subscribed, the said commissioners, or any three of them, shall certify to the governor by oath or affirmation, the names of the subscribers and the number of shares taken by each, whereupon, the governor shall, by

letters patent, under his hand and seal, create and erect the subscribers, together with those who may afterwards subscribe or become owners of stock, in a body politic and corporate, in deed and in law, by the name, style and title, of "The Columbia and Washington turnpike road company;" and by that name to have perpetual succession, with all the privileges, franchises, and immunities incident to a corporation, and be able by the said name to sue and be sued, plead and be impleaded, in all courts of record and elsewhere; and to purchase, receive, hold, and enjoy to them and their successors, such lands or tenements, goods or chattels of what kind or quality, may be necessary for the construction and completing of the said turnpike road, and for keeping the same in repair, from time to time, and for no other purpose; and to make such dividends as the directors or a majority of them may determine upon, not exceeding eight per cent. on the cost of said road, the overplus, if made, any, to go towards providing a fund to pay for and make it a free road; which overplus shall be deposited in one of the banks in Lancaster county, or loaned on good security, as the directors may determine upon; and to keep and use a common seal, and the same at any time to alter or renew; and also to make and ordain such by-laws and regulations as the said corporation may consider necessary, from time to time, not inconsistent with the laws of this commonwealth or of the United States.

SECTION 3. The said commissioners before named, or a majority of them, as soon after the said letters patent are obtained as convenient, shall give notice by advertisement, for two weeks, in the papers before named, of the time and place appointed for organizing said company, when at the same time and place tellers shall be elected by those present, when a president and six directors, from the stockholders, shall be ballotted for; and a majority of the stockholders present, either in person or by proxy, (bearing date one month before the day on which such election may be held,) shall elect a president and directors; and at such election, each share of stock not exceeding five, shall entitle the holder thereof to one vote, but no additional shares above five, shall entitle the holder thereof, to any additional number of votes; and the persons having the greatest number of votes shall be elected; when the said president and directors, or a majority of them, shall appoint a secretary, a treasurer, and such other officers and agents, as shall be necessary for conducting the business of the said company, and shall fix any compensation attached thereto, that may be approved by a majority of the board, from time to time; the said president and directors shall hold their office for one year, from the time of said election, or until others may be elected; and the board of directors, or a majority of them, are authorized to fill any vacancy that may occur therein, by death, resignation, or otherwise, until the next annual election.

SECTION 4. The said president and directors shall meet at such time and place as may by them be agreed upon, and five thereof, shall constitute a quorum, of whom in the absence of the president, they shall elect a chairman, pro tempore; they shall keep minutes of their transaction in a book kept for that purpose, and all orders drawn upon the treasurer, shall be signed by the president after being approved by the board.

SECTION 5. The president and managers first chosen, shall procure certificates of stock of the said company, to be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each person for the share or shares by him held, which shall be transferable at his pleasure, in person, or by attorney duly authorized, in the presence of the president or treasurer, in a book kept for that purpose, subject however, to all payments due or to become

Letters patent.

Seal.

Notice to be given of time of organizing.

Election of president.

Who may vote.

Secretary and treasurer.

Term of office.

Vacancies, how supplied.

Duties of president and directors.

Certificates of stock, how made.

Transfers.

due thereon; upon complying with which, the assignee shall be a member of the said corporation, and enjoy all the privileges and immunities, and be liable to the same penalties and forfeitures of an original subscriber.

Penalty for neglect to pay instalments.

SECTION 6. If any stockholder neglects or refuses, after thirty days notice, to pay up the instalment of his stock, he shall be liable to pay in addition thereto at the rate of twelve per cent. for one year, for all sums remaining due for such length of time; and a neglect or refusal to pay for a greater length of time, may be considered as a forfeiture of such stock to the company.

Power to locate road.

SECTION 7. The president and directors of said company, by themselves or their agents, shall have power to locate and construct a turnpike road from the south-west corner of Locust and Front streets, in the borough of Columbia, and to continue the same on the township road along the river; from thence to the borough of Washington, passing on through the said borough to where the road leading to Lancaster leaves the river road aforesaid; the said road to be thirty-three feet wide, where practicable, twenty feet of which to be paved with stone, with a privilege of straightening or varying the location thereof, where the same may be of advantage to the said company; and also by themselves or their agents, to enter in and upon the lands on which said turnpike road may be located, to procure such materials for the purpose of making the same, and constructing bridges where the same may to them appear necessary; and the said company shall be liable to satisfy the owners of such lands, and also for such materials so taken; and if the parties cannot agree upon the compensation for the damages so claimed, it shall be lawful for the said parties to choose three or five disinterested men, as they may agree, to appraise and value the same, who shall report an award in ten days after they are so chosen, or as soon as practicable, which award shall be final if not appealed from within twenty days from making the same; the appeal to be entered in the prothonotary's office in the county of Lancaster.

Width thereof.

Owners of lands to be remunerated, &c.

Power to erect gate.

SECTION 8. The president and directors shall have full power to erect a gate or gates on said road, where they may consider it most proper to do so, and by themselves or their agents, appointed for that purpose, to demand and to recover tolls from each and every person travelling along the said road, to such an amount, and under the same regulations and provisions as the Columbia and Marietta turnpike road company is authorized to receive by an act of incorporation, passed March thirty-first, eighteen hundred and twenty-three. The said company to have the said road completed within three years from the passing of this act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 104.

AN ACT

Regulating election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the Counties—qualified voters of the township of Ross, in the county of Monroe, Monroe. shall hereafter hold their general and township elections at the house of Stephen Hess, in said township.

SECTION 2. That the qualified voters of the township of Elkland, in Tioga. the county of Tioga, shall hereafter hold their general and township elections at the house of Henry Rathbone, in said township.

SECTION 3. That the qualified voters of the township of Jefferson, Fayette. in the county of Fayette, shall hereafter hold their general and township elections at the Mount Vernon school house, in said township.

SECTION 4. That the qualified voters of Upper Paxton township, Dauphin. Dauphin county, shall hereafter hold their general and township elections at the frame school house, on the bank of the Wiconisco creek.

SECTION 5. That the qualified voters of the township of Augusta, in Northumberland. the county of Northumberland, shall hereafter hold their general and township elections at the house of George Conrad, in said township.

SECTION 6. That the qualified voters in the township of Windham, Wyoming. in the county of Wyoming, shall hereafter hold their general and township elections at the house of Ambrose Garey, in said township.

SECTION 7. That the qualified voters of the township of Lackawan- Mercer. nock, in the county of Mercer, shall hereafter hold their general and township elections at the house of Amos Wilkins, in said township.

SECTION 8. That the qualified voters of the township of West Pro- Bedford. vidence, in the county of Bedford, shall hereafter hold their general and township elections at the new log school house, at Bloody run, in said township.

SECTION 9. That the qualified voters of the township of Lenox, in Susquehanna. the county of Susquehanna, shall hereafter hold their general and township elections at the house of Grow and Brothers, in said township.

SECTION 10. That the qualified voters of the township of Jackson, Huntingdon. in the county of Huntingdon, shall hereafter hold their general and township elections at the public school house in Ennisville, in said township.

SECTION 11. That the qualified voters of the township of Wayne, in Mifflin. the county of Mifflin, shall hereafter hold their general and township elections at the public school house near Glasgow's mills, in said township.

SECTION 12. That the qualified voters of the township of Forkston, Wyoming. in the county of Wyoming, shall hereafter hold their general and township elections at the Forkstown school house, on the south branch of the Mahoopany creek, near the bridge, in said township.

- Mifflin.** SECTION 13. That the qualified voters of the township of Granville, in the county of Mifflin, shall hereafter hold their general and township elections at the court house, in the borough of Lewistown, in the said county.
- Dauphin.** SECTION 14. That the qualified voters of Derry township, in the county of Dauphin, shall hereafter hold their township elections at the house of Jacob Zerfass, in Hummelstown.
- Armstrong.** SECTION 15. That the qualified voters of that part of the township of Kittanning, in the county of Armstrong, that have heretofore voted with the borough of Kittanning, shall hereafter hold their general and township elections at the house of Lydia Hileman, in said township.
- Schuylkill.** SECTION 16. That the qualified voters of the North ward in the borough of Pottsville, shall hereafter hold their elections at the house of Nathaniel J. Mills, in said ward.
- Luzerne.** SECTION 17. That the qualified voters of the township of Newton, in the county of Luzerne, shall hold their general elections at the house of James Vansickle, in said township.
- Mifflin.** SECTION 18. That the qualified voters of the township of Brown, in the county of Mifflin, shall hereafter hold their general and township elections at Fleming's school house, in said township.
- Mifflin.** SECTION 19. That the qualified voters of the township of Armaugh, in the county of Mifflin, shall hereafter hold their general and township elections at the Scelam school house, near the Lutheran church, in said township.
- Montgomery.** SECTION 20. That the qualified voters of Upper Hanover township, in the county of Montgomery, shall hereafter hold their general elections at the house of Jacob Hillegas, in Pennsburg, of said township.
- Clinton.** SECTION 21. That the qualified voters of the township of Keating, in the county of Clinton, shall hold their general and township elections at the house of James Moore, in said township; the spring elections for one thousand eight hundred and forty-five, to be held on the first Friday in April, and after one thousand eight hundred and forty-five, the said elections to be held on the same day that they are held in the other townships of the said county of Clinton.
- Monroe.** SECTION 22. That the qualified voters of the township of Jackson, in the county of Monroe, shall hereafter hold their general and township elections at the house of Henry Custers, in said township.
- Jefferson.** SECTION 23. That the qualified voters of the borough of Brookville, in the county of Jefferson, shall hold their elections for borough officers on the first Monday of May, in the present year, and on the first Monday of March, in every year thereafter, in said borough.
- Chester.** SECTION 24. That the citizens of East Coventry, in the county of Chester, shall hold their township election in March instant, at Pigeon Creek school house, in said township; and the citizens therein entitled to vote shall decide by ballot, whether they will hold their general and township elections at Frick's school house, or at Pigeon Creek school house, in said township. And the citizens of said township, who are in favor of holding said elections at Frick's school house, shall write upon each ticket "Frick's school house;" and the citizens who are in favor of holding said elections at Pigeon Creek school house, shall write upon each ticket "Pigeon Creek school house;" and the election of said township shall thereafter be held at the house in favor of which a majority of said citizens shall vote.

SECTION 25. That the qualified electors of North Coventry township, Chester. in the county of Chester, shall hereafter hold their general and township elections at Scheetz's school house, in said township.

SECTION 26. That the qualified voters of the township of Tunkhannock, Wyoming. in the county of Wyoming, shall hereafter hold their general and township elections at the court house in the borough of Tunkhannock.

SECTION 27. That the qualified voters of the township of Mehoopany, Wyoming. in the county of Wyoming, shall hereafter hold their general and township elections at the house of Kinneth Hankerson, in said township.

SECTION 28. That from and after the passage of this act, the qualified Wyoming. voters of the township of Braintrim, in the county of Wyoming, shall elect annually four supervisors of roads, at the time and place of holding their spring elections in said township.

SECTION 29. That the qualified voters of the township of Pocono, in Monroe. the county of Monroe, shall hereafter hold their general and township elections at the house of David Edinger, in said township.

SECTION 30. That the qualified electors of the township of Mont-Franklin. gomery, in the county of Franklin, residing within the limits of the Mercersburg election district, shall hereafter hold their election for township and election officers at the place where they are now authorized to hold their general elections; and the judge of the said election and the judge of the Welch Run election district, in the said township of Montgomery, shall meet at the house now occupied by John H. Murphy, in the borough of Mercersburg, on the day after said election, and add up the votes which shall have been given for township officers, and make return thereof according to law.

SECTION 31. The qualified voters of the said borough of Mercers-Franklin. burg, residing within the limits of the said township of Montgomery, shall vote for township officers and for officers of the election with the said qualified voters of the said township, residing within the limits of the said Mercersburg election district, but shall not vote for justices of the peace for said township.

SECTION 32. The qualified voters of the said borough of Mercers-Franklin. burg shall hereafter hold their election for borough officers and justices of the peace, on the third Friday of March; and the second section of the act incorporating the said borough, passed the twenty-ninth day of February, one thousand eight hundred and thirty-one, which required the said borough election to be held on the third Saturday of March, is hereby repealed.

SECTION 33. That the qualified voters of the township of Monroe, Monroe. in the county of Bradford, shall hereafter hold their general and township elections at the house now occupied by J. P. Smith, in said township.

SECTION 34. That the election for township officers in Paradise York. township, in the county of York, shall hereafter be held at the public house of Jacob Stambaugh, in said township.

SECTION 35. That the qualified voters of the township of Ridgeberry, Bradford. in the county of Bradford, shall hereafter hold their general and township elections at the house now occupied by Stephen Harman, in said township.

SECTION 36. That the qualified voters of the town of Coal, in Coal Northumberland. township, in the county of Northumberland, shall hereafter hold their general and township elections at the house of Franklin A. Clark, in the county aforesaid.

Wayne.

SECTION 37. That from and after the passage of this act, the qualified electors of the township of Mt. Pleasant, in the county of Wayne, be and are hereby authorized to elect annually, at the place of holding their annual elections, six supervisors and two overseers of the poor for said township; and so much of the eighty-first and ninetieth sections of the act relating to county and township officers, passed the fifteenth April, one thousand eight hundred and thirty-four, as is hereby altered, is hereby repealed.

Westmoreland.

SECTION 38. The qualified citizens of that part of the Pleasant Unity election district, in the county of Westmoreland, which lies within the township of Unity, shall hereafter hold their spring elections for judge and inspectors of elections of said election district, at the house of William Fisher, in Pleasant Unity.

Schuylkill.

SECTION 39. That the qualified voters of that part of Manheim township, in the county of Schuylkill, now voting at the public house of Philip Boyce, in the borough of Schuylkill Haven, shall hereafter vote in separate boxes, at the same place where the general elections are now held; and that the voters aforesaid, hereafter elect two inspectors and one judge, at the time fixed by law for electing township and borough officers, for the purpose of superintending said elections, agreeably to the provisions of the act, entitled "An Act relating to the elections of this commonwealth," passed July second, one thousand eight hundred and thirty-nine, and its supplements; and that that part of Manheim township, as aforesaid, remain a part of the Schuylkill Haven election district.

Perry.

SECTION 40. That the election of officers for the borough of Liverpool, in the county of Perry, shall be held on the same day and at the same time and place, that the election for officers to hold the general election of Liverpool borough are held; and the judge and inspectors elected for said borough, shall hold and conduct the same, keeping separate boxes for the votes given for borough officers; and in every respect to conduct said election agreeable to the act incorporating said borough and the general election laws, any other law to the contrary notwithstanding.

Centre.

SECTION 41. That the qualified electors of the township of Boggs, in the county of Centre, shall hereafter hold their general and township elections at the new school house in the borough of Milesburg, in said township.

Luzerne.

SECTION 42. That the qualified citizens of Exeter, in the county of Luzerne, shall hereafter hold their general and township elections at the house of Ezekiel Goble, in the township of Exeter, aforesaid.

Lycoming.

SECTION 43. That the qualified voters of the township of Anthony, in Lycoming county, shall hold their general election at the house of Mrs. Cummings, in the town of Linden, in said township.

Huntingdon.

SECTION 44. That John Oaks, of Huntingdon county, be and he is hereby appointed judge, and David S. Bell and William Price, of the same county, be and are hereby appointed inspectors, who shall hold and conduct the township elections, in and for the township of Jackson, in the county of Huntingdon, on the third Friday of March, Anno Domini, one thousand eight hundred and forty-five.

Huntingdon.

SECTION 45. That the said John Oaks, David S. Bell, and William Price, shall, in holding and conducting said township elections, in and for the township of Jackson, in the county of Huntingdon, receive the same allowance per diem, have and exercise the same power and author-

ity, and act and do in all things connected with the said township elections in like manner, as is required, prescribed, and directed in the act relating to the elections of the commonwealth of Pennsylvania, passed on the second day of July, Anno Domini, one thousand eight hundred and thirty-nine.

SECTION 46. That that portion of the township of Hempfield, in the county of Westmoreland, which lies south of Big Sewickly creek, be and the same is hereby attached to, and shall hereafter constitute a part of the township of East Huntingdon, in said county, and the said creek shall hereafter be the division line between the said townships of Hempfield and East Huntingdon; and all taxes heretofore assessed in said townships shall be collected, as if this act had not passed: *Provided however*, That all road taxes and poor taxes assessed within that portion of Hempfield township, hereby attached to the township of East Huntingdon, for the year one thousand eight hundred and forty-five, shall be collected by the supervisors and overseers of the poor of the said township of East Huntingdon: *And provided also*, That the New Stanton election district, in said county, shall remain as if this act had not passed.

SECTION 47. That the electors of the township and borough of North Erie, East, in the county of Erie, shall hereafter hold their general, township and borough elections in the south room of the school house, near the public square, in the said borough of North East.

SECTION 48. That from and after the passage of this act, the township of Antrim, in the county of Franklin, shall be divided into four separate districts, and elect four supervisors, and to be divided into four districts by the road leading from Chambersburg to Hagerstown, and the turnpike road leading from Waynesboro' to Mercersburg; and the qualified voters residing within the aforesaid township of Antrim, shall, at the first annual township election after the passage of this act, elect two supervisors, one of whom shall reside in the district in which the retiring supervisor resides, and the other to be a resident in the district not having a supervision within its limits of the present board of supervisors; and the two supervisors elected as aforesaid, shall continue in office for two years; and the two supervisors previously elected in said township, shall serve in connection with the two supervisors elected as aforesaid, until the next annual township election, when the qualified voters in said township shall elect two supervisors to serve for the two succeeding years; and they to be selected so that each district will have for the time succeeding one of the supervisors residing within the limits of each district, and at each annual township election to elect two supervisors to serve for two years, and to supply at their annual elections any vacancy that may occur by death, resignation or otherwise.

SECTION 49. That the commissioners of the district of Southwark, Philadelphia, in the county of Philadelphia, shall be hereafter elected on the day fixed by law for the election of assessors and inspectors; and be conducted by the same officers, as is provided for by the election laws of this commonwealth.

SECTION 50. That the qualified voters of the township of North Lebanon, in the county of Lebanon, shall hereafter hold their general and township elections at the brick school house, in the town of North Lebanon, in the said township.

SECTION 51. That John Smith be and is hereby appointed judge, and Henry Fidler and William L. Musser, inspectors, of the elections to be held during the year one thousand eight hundred and forty-five, for the township of Penn, in the county of Centre.

- Cumberland.** **SECTION 52.** That the qualified electors of the township of North Middleton, in the county of Cumberland, shall hereafter hold their general elections at the court house in the borough of Carlisle, and the township elections at the house of George Sponsler, in said township.
- Northampton.** **SECTION 53.** That so much of the township of Allen, in the county of Northampton, laying east of a line beginning in the middle of a public road, where it crosses the Moore and Allen township line near George W. Bear's house; thence through said township of Allen down the middle of said road to the intersection of the public road leading from Dech's public house to Howertown; thence south fourteen and a half degrees east passing through lands of Hugh Homer, David Deshler, E. F. Martin, D. S. and T. Weaver, James Kerr, Joseph Brown, Isaac Miller, Jacob Fatzinger, F. W. Nagle, and others, to the Lehigh county line on Jonas Lichtenwalter's land, be and the same is hereby erected into a separate township, to be called East Allen; and the qualified voters thereof shall hold the general and township elections at the public house of John Odenwalder, in said township; and Samuel Snyder shall be the judge, and David Snyder and Joseph Spangler shall be the inspectors, of all elections, until a judge and inspectors are duly elected.
- Lycoming.** **SECTION 54.** That the township of Cascade, in the county of Lycoming, shall be a separate election district, and that the qualified voters of the township aforesaid shall hereafter hold their general and township elections at the house now occupied by Samuel Hoffman, in said township.
- Lycoming.** **SECTION 55.** That the qualified voters of that part of Plunket's Creek township, in the county of Lycoming, which now hold their general elections at Warrensville, shall hold their general elections at the house now occupied by Samuel Hoffman, in Cascade township, in said county.
- Lycoming.** **SECTION 56.** That the township of Hepburn, in the county of Lycoming, shall be a separate election district, and the qualified voters of the township aforesaid shall hereafter hold their general and township elections at Ball's mill, in said township; and that the act establishing the Warrensville district in said township, so far as relates to said district, be and the same is hereby repealed.
- Potter.** **SECTION 57.** That the qualified voters of Hebron township, Potter county, shall hold their general elections at the school house number three, near the house now occupied by John Hollenbeck, in said township.
- Lycoming.** **SECTION 58.** That the qualified voters of Armstrong township, in the county of Lycoming, shall hold their general elections at the house now occupied by Thomas Cummings, in said township.
- Allegheny.** **SECTION 59.** That hereafter the qualified electors residing within the township of Pine, in the county of Allegheny, shall hold their general and township elections at the house of Daniel Fogle, in the said township.
- Cumberland.** **SECTION 60.** That the township of Shippensburg, in the county of Cumberland, is hereby erected into a separate election district, and the qualified electors thereof shall hereafter hold their township elections at the usual time and manner, at Craig's school house, in said township, and the general and special elections at the council house, in the borough of Shippensburg.
- Cumberland.** **SECTION 61.** For the purpose of holding the first election under this act, Hugh Craig, of said township, is hereby appointed a judge, and Andrew Frazier and William K. Tritt, inspectors, who are authorized

and required to hold said township election at "Craig's school house," in said township, at the usual time for holding township elections, for the election of a judge and inspectors of the next general election, and officers of said township; and each of said inspectors shall appoint one person to act as clerk of said election, who, together with the said judge and inspectors, before entering upon their duties, shall take and subscribe the usual oath prescribed, and who shall perform the like duties, receive the like pay, and be subject to the same penalties, as are provided by the several sections of the act relating to the general elections of this commonwealth, passed the second day of July, Anno Domini, one thousand eight hundred and thirty-nine; and the usual notices of elections shall be given of the election to be held under this act, at least ten days before said election, by the constable of the borough of Shippensburg.

SECTION 62. That hereafter the citizens of Saville township, in the Perry county of Perry, shall hold their general and township elections at the house of Edward Miller, in said township.

SECTION 63. That the borough of Lewisberry, in the county of York, York shall hereafter form a separate and distinct election district from the township of Newberry, and the qualified voters thereof shall hold their general elections at the school house, in said borough.

SECTION 64. That hereafter the qualified electors of Cherry town- Venango. ship, in the county of Venango, shall hold their general elections at the Centre school house, in said township.

SECTION 65. That the qualified electors of the township of Shippen, M'Kean. in the county of M'Kean, shall hereafter hold their general and township elections at the house now occupied by Lemuel Lucore, in said township.

SECTION 66. That the qualified electors of the township of Wash- Berks. ington, in the county of Berks, shall hold their general elections in October next, at the public house of H. B. Griffith, in said township; and said electors shall then determine, by ballot, whether their future general elections shall be held at the public house of Joseph Baughman, or at the public house of Gehret S. Bechtel, or at the public house of H. B. Griffith, or at any other place in said township; and each qualified voter may put in a ballot, on the outside of which shall be written or printed the words "Election district," and on the inside "house of Joseph Baughman," or "house of Gehret S. Bechtel," or "house of H. B. Griffith," or any other place the elector may desire to vote for; and the general elections shall thereafter be held at the place for which the highest number of votes may be given, until otherwise determined by law; the result of said election shall be certified by the judge and inspectors of the election, and filed in the court of quarter sessions of the county aforesaid.

SECTION 67. That the qualified voters of Point township, in the Northumberland. county of Northumberland, shall hereafter hold their general and township elections at the house of James Hilborn, in the borough of Northumberland, and county aforesaid.

SECTION 68. That the township election for township officers in the Philadelphia. township of Roxborough, in the county of Philadelphia, shall hereafter be held at the school house where the general elections are now held.

SECTION 69. That the qualified electors of the borough of Pottsville Schuylkill. may, at the time and place of holding their next election for borough Pottsville. officers, and every third year thereafter, decide, by ballot, whether the common school system shall be continued in said borough or not, in

the manner and with like effect as is provided by the thirteenth section of an act of assembly, passed June thirteenth, Anno Domini one thousand eight hundred and thirty-six, entitled "An Act to consolidate and amend the several acts relative to a general system of education by common schools;" and so much of said section of said act as submits the holding of such election to the school directors of said district be repealed, so far as it regards the borough of Pottsville.

Wyoming.

SECTION 70. That John Love of the county of Wyoming, be and is hereby appointed judge, and P. B. Jennings and Anthony Oziah, of the same county, be and are hereby appointed inspectors, who shall hold and conduct the township elections in and for the township of Mahopany, in the county of Wyoming, on the third Friday of March, Anno Domini one thousand eight hundred and forty-five.

Wyoming.

SECTION 71. That Joseph Bingess, Jr., of the county of Wyoming, be and is hereby appointed judge, and Hiram Hitchcock and Schuyler Fassett, of the same county, be and are hereby appointed inspectors, who shall hold and conduct the township election in and for the township of Forkston, in the county of Wyoming, on the third Friday of March, Anno Domini one thousand eight hundred and forty-five.

Westmoreland.

SECTION 72. That hereafter the Duffield election district, in Westmoreland county, shall be called and known as the Kiskiminetas election district, and the qualified citizens thereof shall hereafter hold their general elections, and also their spring elections for judge and inspectors of elections, in said district; and for township officers of Washington township, at the house now occupied by Richard W. Jones; and all such elections shall be held and conducted by the proper judge and inspectors of said district, who shall be paid as in other cases; and the said judge of said district, shall meet the judge who shall conduct the election in the other district, composed of part of the said township of Washington, at the house of John Reed, in said township, to make out full returns of the said election of township officers of said township.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The fourteenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 105.

AN ACT

Authorizing Samuel Rockwell, Jr., administrator of the estate of John C. Rose, late of Bradford county, deceased, to convey certain real estate, and for other purposes.

WHEREAS, John C. Rose, late of Canton township, in the county of Bradford, died intestate, leaving a widow, Sophia, since intermarried with Seth K. Porter; also leaving two daughters, Desire Rose and Jane E. Rose, both minors, under the age of fourteen years, and said survivors are now all living in the township aforesaid : Preamble.

And whereas, The said John C. Rose, during his lifetime, made a parol agreement with one Thomas Owen, of said county, whereby it was agreed that the said John C. Rose should convey in fee simple, by deed of general warranty, to the said Thomas Owen, a certain piece or parcel of land, hereafter more particularly described, with the appurtenances, situate in the township and county aforesaid, in consideration of the sum of seventy-five dollars :

And whereas, The said Thomas Owen, from the time of said agreement, continued in possession of said premises till the second day of September, Anno Domini, one thousand eight hundred and forty-four, at which last mentioned time he conveyed all his interest in said land unto William S. Baker, of the township and county aforesaid, by deed, recorded in the office for recording deeds of Bradford county, Pennsylvania, in deed book volume twenty-three, page two hundred and twenty-four, et cetera, and from the date of said deed the said William S. Baker has been and still is in possession of said premises :

And whereas, The aforesaid John C. Rose died without perfecting said agreement during his lifetime, and the said William S. Baker, and the said Sophia Porter, guardian of the minor children aforesaid, are desirous of having the title to said premises perfected, which cannot be by reason of the minority of the said children of said John C. Rose, deceased :

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Rockwell, Jr., authorized to convey certain real estate. it shall and may be lawful for Samuel Rockwell, junior, administrator of the estate of the said John C. Rose, deceased, on payment to him by the said William S. Baker of the purchase money aforesaid, by deed of general warranty, duly executed and acknowledged according to the laws of this commonwealth, to convey unto the said William S. Baker, his heirs and assigns forever, all that certain lot, piece or parcel of land, situate in the township of Canton, county of Bradford, and state of Pennsylvania, bounded and described as follows : Beginning at a white maple tree, a corner of lands of David S. Grantier and William S. Baker; thence running east twenty-seven perches along lands of said Baker to a stake, south ————— degrees west along lands in possession of the heirs of David Pratt, deceased, eight perches to a stake; thence east along the same lands five perches to the main road leading to Elmira; thence along the middle of said road to lands belonging to the heirs of John C. Rose, deceased; thence along lands of the said

last mentioned heirs west thirty-three perches to a stake on the line of David S. Grantier; thence along said line north twenty-four perches to the place of beginning; containing about five acres, and being parts of lots of lands sold by David S. Grantier to said John C. Rose, together with all and singular the improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, being the same premises which the said John C. Rose agreed to convey to the said Thomas Owen as aforesaid, and which said Owen has conveyed by deed as aforesaid to William S. Baker; and the said administrator's deed, duly executed and acknowledged as aforesaid, shall be as valid and effectual to pass the interest of said minors in the said estate, as if the same had been duly executed and acknowledged by them, being of full age and unmarried: *Provided*, That the said administrator, before executing such conveyance, shall give bond to the commonwealth, with surety as shall be approved of by the orphans' court of Bradford county, in the sum of twice the amount of said purchase money, conditioned for the faithful application of said money.

Administrators of
Reuben Nash to
execute certain
deed.

SECTION 2. The administrators of the estate of Reuben Nash, late of Bradford county, deceased, be and they are hereby authorized to execute deeds of release to the settlers, and those interested in lands contained in warrants numbers nine hundred and sixty-five and nine hundred and sixty-six, situate in Columbia township, in said county, in pursuance of the contract of said deceased, and with the same effect as if executed by him in his lifetime.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 106.

AN ACT

To allow and regulate appeals to the supreme court, for the Eastern district of Pennsylvania, from the decrees in equity of the court of common pleas of the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That any person or persons, body or bodies politic or corporate, parties to any suit in equity now pending, or hereafter to be instituted in the court of common pleas of the county of Philadelphia, who may be affected by any interlocutory or final order or decree in such suit in equity, hereafter to be made by the said court of common pleas, shall be entitled to appeal therefrom to the supreme court, in and for the Eastern district of

Appeals to su-
preme court.

Pennsylvania, upon the same terms, and with the same regulations as are provided by the existing laws, in regard to appeals from any definitive sentence or decree of an orphans' court: *Provided always*, That in addition to a compliance with the foregoing terms and regulations, it shall be necessary for the party appellant, in order to secure to himself the advantage of a stay or supersedeas of execution, to comply with the following further terms and conditions :

I. If an appeal be made, from any order or decree of the said court of common pleas in equity, directing the payment of money, such appeal shall not stay the issuing of execution or other process, to enforce the decree or any proceedings thereon, unless a bond be given by or on behalf of the appellant, to the adverse party, in a penalty at least double the sum decreed to be paid, with two sufficient sureties, to be approved by the said court of common pleas, or one of the judges thereof, conditioned, that if the appellant shall fail to prosecute his appeal, or if the same, be dismissed or discontinued, or if the decree appealed from, or any part thereof be affirmed, then that such appellant will pay and satisfy the amount directed to be paid by such decree, or the part of such amount as to which such decree shall be affirmed, if it be affirmed only in part, and all damages which shall be awarded against the appellant by the said supreme court upon such appeal. Appeals in equity.

II. If the decree appealed from, direct the assignment or delivery of any securities, evidences of debt, documents, chattels or things in action, the issuing and execution of process to enforce such decree, shall not be stayed by such appeal, unless the articles required to be assigned or delivered be brought into court, or placed in the custody of such officers or receivers as the said court of common pleas shall appoint, or unless a bond in a penalty, at least double the value of the articles so directed to be delivered or assigned, be given to the adverse party, with two sufficient sureties, to be approved as hereinbefore directed ; conditioned, that the appellant will abide and obey the order of the said supreme court, made upon the subject of such appeal. Assignments, &c.

III. If the decree appealed from, direct the execution of any conveyance or other instrument by any party, the issuing and execution of process to enforce such decree, shall not be stayed by such appeal, until the appellant shall have executed the conveyance or instrument directed, and deposited the same with such officers or receivers, as shall be designated by the said court of common pleas. Execution of conveyance.

IV. If the decree or order appealed from, direct the sale or delivery of the possession of any real property, the issuing and execution of process to enforce the same, shall not be stayed until a bond be given with sureties as hereinbefore directed, in such penalty as the court of common pleas shall deem sufficient, conditioned that during the possession of such real property by such appellant, he will not commit or suffer any waste to be committed thereon ; and in case such appeal be dismissed or discontinued, or such order or decree be affirmed, such appellant will pay the value of the use and occupation of such property, from the time of such appeal, until the delivery of the possession thereof, pursuant to such order or decree. Sale on delivery of property.

SECTION 2. Whenever in the foregoing cases, an appeal shall be perfected by bringing into court, or depositing pursuant to its order, any articles required to be so deposited, or any instruments required to be executed, or by the giving a bond as herein prescribed, such appeal shall stay all further proceeding in the said court of common pleas, upon the order or decree appealed from, and upon the subject matter embraced in such order or decree ; but shall not prevent the said court of common pleas from proceeding upon any other matter included in the Stay of proceedings.

Proviso.

bill, and not affected by said order or decree: *Provided however*, That whenever the order or decree appealed from, directs the sale of perishable property, notwithstanding any such appeal, and the compliance with the foregoing directions, such property may be sold by a special order of the said court of common pleas, after the making of such appeal; and the proceeds of such sale shall be brought into the said court to abide the final order and decree of the said supreme court.

SECTION 3. That the supreme court in and for the Eastern district of Pennsylvania, and the court of common pleas of Philadelphia county, shall each have all the power and jurisdiction of a court of equity, in all cases of dower and partition, within the city and county of Philadelphia.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 107.

AN ACT

Authorizing John Van Bilbiard and others, trustees, to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John Van Bilbiard, John Bast and John Shiek, be and they are hereby constituted trustees, with authority to sell and convey in fee simple a certain lot, containing about three-quarters of an acre of land, with an old log school house erected thereon, known as Nances run school house lot, situated in Bethlehem township, Northampton county; the proceeds thereof, to be applied to the payment of the balance due and remaining unpaid for the erection of the brick school house, erected by the trustees of the said Nances run school house, in the said township of Bethlehem: *Provided*, That nothing herein contained, shall authorize the said trustees to dispose of, or interfere with the enclosure immediately attached to the said brick school house.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No 108.

AN ACT

Supplementary to an act, entitled "An Act authorizing John Baughman and Jacob Fisher, as trustees, to carry into effect the last will and testament of Peter Baughman, of North Huntingdon township, in the county of Westmoreland, so far as relates to building a school-house and receiving certain bequests in said will for that purpose."

WHEREAS, John Baughman and Jacob Fisher were appointed trustees for the purposes specified in the act of the general assembly, passed the nineteenth day of January, eighteen hundred and thirty-one, to which this is a supplement: *And whereas*, The said trustees have failed to exercise the powers conferred on them by the said act; therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That John Kunkle and Jacob Iseman be and they are hereby appointed trustees, in the room and stead of the said John Baughman and Jacob Fisher, and that they be and they are hereby invested with all the powers and authority which were conferred on the said John Baughman and Jacob Fisher by the said act.

Trustees.

SECTION 2. That the said trustees hereby appointed shall continue in their said office until the first Saturday of November next, and until office their successors shall be duly elected.

Continuance in

SECTION 3. That the said trustees shall give ten days notice to the subscribers to such school as shall be established by them, of an election for trustees, to be held at some convenient place on the said first Saturday in November next, and that then, and annually thereafter, the said subscribers shall elect two trustees, who shall be invested with all the authority, and subject to the duties specified in the act to which this is a supplement.

Notice to subscribers.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 109.

AN ACT

To enable the executors of Wendel Hibshman, deceased, to sell and convey certain real estate.

Executors au-
thorized to sell
real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Bassler and Leonard Strickler, jr., executors of the last will and testament of Wendel Hibshman, late of the county of Lebanon, dec'd., be and they are hereby authorized to sell, either at public or private sale, and to convey in fee simple, all the right, title and interest of the said Wendel Hibshman, deceased, at the time of his death, of, in and to any lands, tenements or hereditaments, situate within the said county of Lebanon; and to make and execute to the purchaser or purchasers thereof, good and sufficient conveyances and assurances in law for the same, which said conveyances and assurances, shall vest in such purchaser or purchasers, all the estate, right, title and interest in law and equity, which the said Wendel Hibshman at, and immediately before his death, had, and held in the same, as fully and completely, and with like effect, as if the said conveyances and assurances had been made and executed by the said Wendel Hibshman, in his lifetime: *Provided*, That before any deed of conveyance shall be executed for the same, the said executors shall report the sale to the orphans' court, of the county of Lebanon, to be there approved by the said court, if in their opinion the same is beneficial to the interest of the estate of the said deceased: *And provided further*, That the sale shall not be confirmed, until the said executors shall have filed in the office of the clerk of the orphans' court of the said county, a bond in the usual form, with sufficient security, to be approved by the said court, for the faithful appropriation of the proceeds of such sale, in such manner as the said court shall direct.

Proviso.

Bond.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 110.

A N A C T

Changing the venue of certain cases, from Armstrong county, to Clarion county.

WHEREAS, John Guthrie died intestate on the fifteenth day of September, one thousand eight hundred and thirty-nine, in Clarion township, which was at the time of his death, a part of Armstrong county: *Preamble.* That by an act of assembly, passed the eleventh day of March, A. D. one thousand eight hundred and thirty-nine, entitled "An Act for the organization of a new county from parts of Venango and Armstrong, to be called 'Clarion,'" said township of Clarion became a part of said county of Clarion: That since the organization of said county of Clarion, proceedings and suits have been had in relation to the estate of the said John Guthrie, in the court of common pleas and orphans' court of said county of Clarion, and also between some of the heirs of John Guthrie and his representatives in said county:

And whereas, Doubts have been had whether the court of common pleas and orphans' court of Armstrong county, or the court of common pleas and orphans' court of Clarion county, have jurisdiction in relation to suits and settlements regarding the said estate of said John Guthrie:

And whereas, All persons interested in said estate reside in the county of Clarion:

Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of common pleas of Clarion county shall have full power and jurisdiction over all suits or actions which have been or may hereafter be instituted in said court, and over all feigned issues which have been directed or ordered, or may hereafter be directed or ordered to be entered in the same court; and the said court is hereby required and directed to proceed in the same, to trial and final judgment, without regard to any former proceedings which may have been had in relation to the same; and all former proceedings, so far as they relate to the commencement of any suits or actions, or to the entry of any feigned issues ordered by said court, regarding said estate, and the heirs and representatives of said estate, are hereby declared valid and of good effect, and are hereby reinstated: That the orphans' court of said county of Clarion, shall have full power and jurisdiction in relation to said estate, in all matters and things which have heretofore been presented, or may hereafter be presented by petition or otherwise, which are within the jurisdiction of any other orphans' court, and are hereby required to proceed in the same to final adjudication; and all proceedings had in said court in relation to said estate, are hereby declared valid, as if said court had then had full jurisdiction: That all costs which have heretofore accrued, or may hereafter accrue on any of said suits, actions, or feigned issues in said court of common pleas of Clarion

Power of court of Clarion county, in certain cases.

Costs.

county, and all costs in matters before said orphans' court, shall abide the event of the judgment, and the final issue of the proceedings, as in other cases of like nature.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 111.

A N A C T

Relating to the National Troop, of Berks county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That hereafter the National Troop, of Berks county, be and the same shall be an independent troop of cavalry, subject to such laws only as relate to independent troops.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 112.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the Southwark fire insurance company of the county of Philadelphia."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, and the acceptance thereof by the stockholders of the said Southwark fire insurance company of the county of Philadelphia, as provided by the said act, it shall and may be lawful for any and every person or persons to insure marine, fire, and inland transportation risks with the said company, and to be entitled to a share in the profits which may be made by such insurances, to be declared and divided as hereinafter directed by the provisions of this act. Insurance.

SECTION 2. The directors shall, on the first Monday in July in each and every year, cause a balance to be struck of the affairs of the company, and if there shall be a surplus after paying losses and expenses of the company, and reserving a reasonable amount for contingencies, for the year preceding the same, they shall first set aside a sum not exceeding six per cent. on the actual value of the capital stock of said company out of the said surplus, which valuation shall be estimated by said directors for that purpose, and the balance shall be divided, one-half to the insured persons and one-half to the stockholders; each insured person shall receive such a proportion of said surplus as the premiums paid by him on risks determined, without loss, may bear to the entire collective amount of premiums earned, and each stockholder shall receive such a proportion of the same as the stock so valued held by him may bear to the entire collective amount of said stock, which shall be added to the stock held by him, until each share shall amount to fifty dollars. Affairs.

SECTION 3. Within thirty days after the yearly balance of the affairs of the said company shall be struck, the directors shall cause to be paid to the stockholders in cash not exceeding six per cent. on the valuation of their stock from the interest and profits on investments, and for the balance of the surplus profits they shall issue the company's certificate to such insured person and stockholder, agreeable to the provisions of the last and succeeding sections stating the amount of such surplus, which shall be ascertained to be due him on striking said balance; such certificate shall be entitled to an interest or dividend not exceeding six per cent., to be paid from interest and profits on investments. Balance.

SECTION 4. The profits of said company shall in no case be withdrawn, except as herein provided, but shall remain equally with the capital stock, liable to all losses and expenses thereof, such liability to be expressed on the face of said certificates; and no dividend shall be declared or certificate issued, nor interest paid, either to stockholders or certificate holders, when the capital stock shall be reduced by losses or expenses, nor shall any interest be paid on certificates of surplus profits until the interest on the stock of said company shall first be provided for. Profits.

SECTION 5. No certificates shall issue for any sum less than ten dollars, nor for any fractional part of ten dollars, but amounts not less than Dividend.

Certificates.

Transfer.

one dollar shall be credited on the books of the company, and if they amount to ten dollars at any time within five years, a certificate may issue therefor, otherwise they shall be carried to the credit of the company; the said certificates shall not be transferable except on the books of the company, and a transfer book shall be kept for that purpose; no certificate shall issue to any person who is in debt to said company, and no transfer shall be permitted so long as the holder is indebted to said company; certificates shall be subject to and bound by any judgment the company may obtain against the holder thereof, and the interest of said holder may be sold under an execution issued on said judgment. as any other species of personal chattel; no certificate shall issue unless claimed within five years after the declaration of the dividend whereof it is evidence, but the amount thereof shall, at the expiration of that time, be carried to the credit of the company: *Provided*, That the said company shall not exercise any banking privileges, or issue any certificate or other paper, to be used or circulated as bank paper.

Issue of certificates limited.

Debts, losses, &c.

SECTION 6. The capital stock, the certificates issued as aforesaid, the premiums paid and agreed to be paid, the property, effects, rights and credits of the said company, shall alone be liable for the losses, debts, contracts and engagements of said company, made in pursuance of this act, or the act or acts to which this is a supplement.

Perpetual insurance.

SECTION 7. Perpetual or permanent insurances may be taken, and five per cent. on deposits for said insurances may be computed as an annual premium, and like dividends made thereon.

When act to take effect.

SECTION 8. This act shall have full force and effect as soon as stockholders holding upwards of one-half of the capital stock of the said company shall have signified their assent thereto in writing, by themselves or their attorney duly constituted, which said assent shall be recorded in the office for recording deeds in and for the city and county of Philadelphia, a certified copy whereof, under seal of said office, shall be evidence of the acceptance by the stockholders of this act, in all courts of record in this commonwealth or elsewhere, and also of the right to exercise all the corporate privileges and immunities granted to said company by this act.

Insurance.

Name.

SECTION 9. That as soon as this act shall be accepted and recorded, the said corporation shall assume the title of and make insurances as directed by the provisions of this act, as the City and County mutual insurance company; and the stockholders of the Southwark fire insurance company of the county of Philadelphia, shall thereafter cease to be liable for the payment of any further instalments on stock; and the said association, under the title of the City and County mutual insurance company shall have, take, possess and enjoy all the necessary powers for the purpose of carrying into effect the provisions of this act, and all the estates, rights and effects, real and personal whatsoever, of the said Southwark fire insurance company of the county of Philadelphia, together with all the corporate rights and privileges granted to said Southwark fire insurance company of the county of Philadelphia, and subject to all the conditions and restrictions thereof: *Provided*, That nothing contained in this act shall impair or alter any legal existing right or privilege consequent upon any agreement, insurance or contract made by or with said company prior to the acceptance of this act: *And provided also*, That no member of this corporation, not being in his individual capacity a party to any suit by or against said corporation, shall be incompetent as a witness.

Powers, &c.

Proviso.

Excess.

SECTION 10. When the net profits or surplus remaining in the possession of the company, shall exceed the sum of two hundred thousand dollars, the excess may be applied to the redemption of the certificates

issued by the company, in such manner and at such times as the directors thereof may deem proper and expedient, and all claim or right to any interest or dividend on said certificates shall cease, after two weeks notice, published in two of the daily papers of the city of Philadelphia, that the company will redeem the same; and if the holders of said certificates shall not, within five years thereafter, present the same for payment, the said certificates shall be cancelled on the books of the company.

SECTION 11. Within thirty days after the yearly statement made in July in each year, the officers of the company shall cause to be made a general balance sheet of the affairs of said company, which shall contain :

I. The amount of premiums received during the previous year, specifying what amount was received for fire risks, and what amount on marine and inland risks. Balance sheets.
Premiums.

II. Amount of expenses of the company during the year. Expenses.

III. Amount of losses incurred during the year, specifying what amount on fire and what amount on marine and inland risks. Losses.

IV. The balance remaining with the company. Balance.

V. The nature of the security on which the same is invested, specifying what amount is invested on real security, what in stocks, what amount in state or national loans, what amount in other securities, and what amount in cash on hand. Security.

SECTION 12. That it shall be lawful for said corporation, in addition to the other modes of investment already authorized, at their discretion, to invest any of their funds in the purchase of ground rents, and are hereby authorized to take and hold and dispose of such ground rents. Ground rents.

SECTION 13. The votes of the stockholders for directors shall be by ballot, and each stockholder shall have one vote for every share he may own; but no vote shall be received on any share or shares unless the same shall have been held on the books of the company by the stockholder claiming to vote, for at least three months previous to such election, nor shall any vote by proxy be received, unless the power of attorney or proxy shall have been executed within ninety days of such election. Votes.

SECTION 14. So much of the act to which this is a supplement, and the several acts amendatory thereof, as are hereby altered or amended, or are inconsistent herewith, shall be and the same are hereby repealed. Repeal.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 113.

AN ACT

To incorporate the Spring House and Sumneytown turnpike road company, in the county of Montgomery.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Charles F. Jenkins, John Boileau, Ellis Cleaver, Samuel Helfenstein, Sen., Isaiah Lukens, Henry G. Hallman, Robert Scarlett, David Acuff, Jacob Heisler, Dr. Antrim Foulke, Frederick Knipe, Jr., John L. Foulke, Jacob Schwenk, Cadwalader Roberts, Thomas J. White, Daniel Jacoby, Evan Jones, David Blyler, William T. Hughes, Isaac W. Wampole, Daniel Price, Solomon Arkman and Henry Kneedler, of Montgomery county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say : They shall, on or before the first day of May next, procure a sufficient number of books, and in each of them enter as follows :

Commissioners.

Form of subscription.

“ We whose names are hereunto subscribed, do promise to pay to the president and managers of the Spring House and Sumneytown turnpike road company, the sum of fifty dollars for every share of stock set opposite to our respective names, in such manner and in such proportions and times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled ‘ An Act to incorporate the president and managers of the Spring House and Sumneytown turnpike road company.’

Witness our hands the _____ in the year of our Lord, one thousand eight hundred and forty-five ;” and thereupon shall give notice in two newspapers printed in Norristown, and one in Sumneytown, for twenty days at least, of the time and places when and where the said books shall be opened to receive subscriptions for the stock of said company, at which time and places one at least of the said commissioners shall attend, and permit all persons of lawful age to subscribe in said books in their own name, or in the names of any other persons who shall duly authorize the same, for any number of shares of stock ; and the said books shall be kept open at least six hours in every day, for the space of five days, or until the books shall have three hundred and fifty shares therein subscribed ; and if at the end of the said five days the subscriptions shall not amount to three hundred and fifty shares, the commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares shall be subscribed, of which adjournments public notice shall be given ; and when the whole number of shares as aforesaid shall be subscribed, the books shall be closed : *Provided always,* That every person offering to subscribe in said book, shall previously pay to the attending commissioner the sum of five dollars for every share of stock to be subscribed, out of which shall be defrayed the incidental expenses necessary for taking such subscriptions, and the remainder shall be paid to the treasurer of the company as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Notice of subscription.

Proviso.

SECTION 2. When ten persons or more shall have subscribed at least two hundred shares of said stock, the said commissioners shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth; whereupon it shall and may be lawful for the governor, by letters patent, under his hand and seal of state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The Spring House and Sumneytown turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of the enlarging the same by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act; and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Letters patent.

Name.

Privileges, &c.

SECTION 3. That the commissioners aforesaid, as soon as conveniently may be after the said letters patent are obtained, shall give notice in two newspapers printed in Norristown, and one in Sumneytown, of a time and place by them to be appointed, not less than fifteen days from the first publication of said notice, at which time and place the said subscribers shall proceed to organize the corporation, and choose, by ballot, by a majority of the votes of the subscribers present, in person or by proxy duly authorized, one president, eight managers, and one treasurer, and such other officers as may be necessary to conduct the business of the company, until the second Monday in January next, and until other officers shall be chosen, and shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided*, That no stockholder shall have more than ten votes at any election, or in determining any question at any meeting, no matter what number of shares he or she may hold, but each stockholder shall be entitled to one vote for every share of stock held not exceeding ten shares: *And provided also*, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the stock by him or her held at the time of such election, shall have been fully paid.

Organization.

Proviso.

SECTION 4. The stockholders of the said company shall meet on the second Monday in January in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing officers for the ensuing year in the manner aforesaid, and at such other times as they shall be notified by the managers, in such manner and form as shall be prescribed by their by-laws; at which annual or special meetings they shall have full power to make, alter, or repeal by a majority of votes in manner aforesaid, all such by-laws, rules, and regulations, made as aforesaid, and to do and perform any other corporate act.

Annual meeting.

Officers.

SECTION 5. The president and managers first to be chosen as aforesaid, shall procure certificates for all the shares of stock of the company, and shall deliver one such certificate signed by the president and trea-

Certificates of

stock.

Transferable.

surer, and sealed with the seal of the corporation, to each subscriber for the number of shares by him or her held, which certificates shall be transferable at the pleasure of the holder in person or by attorney, in the presence of the president or treasurer, on the books of the company, only subject, however, to all payments due and to become due thereon.

Penalty for neglect to pay instalments.

SECTION 6. If any stockholder, whether original subscriber or assignee, after twenty days notice in two newspapers, printed in Norristown, and one in Sumneytown, of the time and place appointed for the payment of any instalment or proportion of the capital stock, shall neglect or refuse to pay such proportion at the place appointed for the space of thirty days after the time required for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional payments or penalties shall become equal to the sum before paid in part, on account of such share or shares, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor; or in default of payment of any stockholder of such instalments for the space of sixty days, the president and managers may at their election cause suit to be brought, in the same manner as debts of a like amount are recoverable, for the recovery of the same, together with the penalties aforesaid.

Quorum.

SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, five shall be a quorum, and the managers present, in the absence of the president, may choose a president pro tem. They shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose; and shall have full power and authority to appoint and agree, or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary, to make and construct said road, and collect the tolls hereinafter authorized, and fix their compensation: to determine the time, manner, and proportion in which the stockholders shall pay the amount of their respective shares; to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a majority of a quorum of the managers, and attested by the secretary; and to do and transact all other acts, matters or things, as by this act and the by-laws of the company may be entrusted to them.

Engineers, &c.**Route.**

SECTION 8. The said turnpike road shall commence at the Spring House tavern, in the county of Montgomery, so as to connect with the Spring House, Northampton and Bethlehem turnpike road at that place, and proceed thence on the bed of the North Wales road, as near as may be, to Sumneytown.

Width.

SECTION 9. The said road shall be laid out not exceeding fifty feet in width, at least twenty feet thereof to be a good and substantial turnpike road, to be composed of stone or gravel, to secure a firm and as near as the materials will admit, of an even surface, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of five degrees with a horizontal line; and the said company shall forever after maintain and keep the same in good order, and have authority to erect suitable bridges over all the streams of water crossing said road.

Power to enter on lands.

SECTION 10. It shall be lawful for the said president and managers by their agents, engineers and workmen, with their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making

amends for damages upon an equitable agreement by the parties, or **Assessment of**
 if they cannot agree, then a just assessment to be made upon oath or **damages.**
 affirmation by three disinterested citizens or any two of them, to be
 mutually chosen, or if either party upon due notice shall neglect or re-
 fuse to join in the choice, then to be chosen by a justice of the peace
 who shall not be interested therein, and upon the tender of the assessed
 value, to dig and carry away any timber, stone, gravel, sand, earth or
 other materials necessary or suitable for making the road: *And pro-* **Proviso.**
vided, That said managers, or their workmen under their supervision,
 shall have full power to enter upon any lands lying near to or adjoining
 said road, and to cut or open such drains through the same, as they
 shall judge necessary to drain the water from the turnpike road, with
 the same rights and under the same penalties as the supervisors of high-
 ways: *And provided also,* That the said company shall not be autho-
 rized to take or remove any property beyond the boundaries of the
 present North Wales road, as laid out and by law established, unless
 the same be previously paid for, or adequate security given to the own-
 ers for the payment thereof.

SECTION 11. The said president and managers shall keep fair and **Accounts.**
 just accounts of all moneys received by them, and of those paid out and
 expended in the prosecution of the work, and shall at least once in
 every year submit their books and accounts to a general meeting of the
 stockholders; and whenever it shall be ascertained that the capital stock
 of the company is not sufficient to complete the said road according to
 the true intent and meaning of this act, it shall be lawful for the presi-
 dent and managers, at a stated or special meeting, convened according
 to the provisions of this act or their by-laws, to increase the number of
 shares to such an extent as they shall deem sufficient to accomplish the
 work, and to demand and receive the moneys subscribed for such ad-
 ditional shares, in like manner and under like penalties as are provided
 by this act in the case of original subscriptions.

SECTION 12. Whenever the said company shall have finished two **License.**
 miles or more of turnpike road, the president thereof may give notice to
 the governor, who shall thereupon forthwith appoint three skilful, ju-
 dicious, and disinterested persons to view and examine the same, and
 to report, on oath or affirmation, to him, whether the said road is so far
 executed in a competent and workmanlike manner, according to the
 true intent and meaning of this act; and if their report shall be in the
 affirmative, then the governor shall, by license under his hand and the
 seal of the state, permit said company to erect and place such and so
 many gates or turnpikes upon and across the said road, as will be ne-
 cessary and sufficient to collect from all persons such tolls as are here-
 inafter authorized to be collected: *Provided,* That no toll shall be **Proviso.**
 demanded from any person or persons passing or repassing from one
 part of his, her, or their farm or farms, to any other part of the same,
 and all persons with their horses or vehicles going directly to or from
 funerals or places of public worship, shall be exempt from the payment
 of tolls when travelling on the said road.

SECTION 13. When the said company is licensed in manner afore- **Tolls.**
 said, it shall be lawful for them to appoint such and so many toll
 gatherers as they shall think proper to collect and receive of and from all
 and every person and persons using the said road, the toll and rates
 hereinafter mentioned, and to stop any person leading, driving, or riding
 any horses, cattle, hogs, sheep, or vehicle of burden or pleasure of
 whatsoever kind, from passing through the said gates or turnpikes, until
 they shall have respectively paid the same, that is to say: For every five
 miles of the said road completed and licensed as aforesaid, or in propor-

tion for any less distance, the following sums of money, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents, and in proportion for any greater or less number; for every horse and his rider, or led horse, three cents; for every sulkey, chair, or chaise, with one horse and two wheels, six cents; and for every such carriage with two horses, nine cents; for every chariot, coach, phaeton, or dearborn, with one horse and four wheels, ten cents; and for every such carriage with two horses and four wheels, twelve cents; and for every other carriage of pleasure, under whatsoever name it may be known, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twelve cents; for every stage wagon or coach with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; for every sled, two cents for each horse drawing the same; for every cart, wagon or carriage of burden, the breadth of the wheels of which shall not exceed four inches, five cents for each horse drawing the same; and for every such cart, wagon or carriage, the breadth of the wheels of which shall exceed four inches, three cents for each horse drawing the same; two oxen or one mule to be estimated as equal to one horse; and if any person shall represent to the said company, or any of its officers or agents, that he or she has travelled a less distance than he or she has actually travelled along said road with intent to defraud the company of any toll, such person shall, for every such offence, forfeit and pay to the use of the company the sum of five dollars; and if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled along said turnpike road, or shall demand and receive from any person greater toll than is authorized by this act, such toll gatherer shall forfeit and pay the sum of five dollars for every such offence, to the supervisors of the township in which the forfeiture is incurred, for the use of the same, to be expended in repairing the public roads, and for the payment of which the said company shall be responsible.

Penalty for evading tolls.

SECTION 14. If any person or persons owning, riding in or driving any vehicle of burden or pleasure, or riding, leading or driving any horse or horses, or driving any hogs, sheep or cattle, shall therewith pass through or over any private gates or bars, or along or over any private passage way or other ground adjoining or near to any gate or turnpike erected by said company, with intent to defraud the company, and avoid the payment of the toll for passing through any such gate or turnpike, or if any such person or persons shall, with such intent, take off, or cause to be taken off, any horse or cattle from any vehicle or carriage of pleasure or burden, or practice any other fraudulent means or device, with the intent that the payment of any such toll may be evaded or lessened, every such person or persons shall, for every such offence, forfeit and pay to the said company any sum not exceeding ten dollars, to be sued for and recovered, with costs of suit, before any justice of the peace, in like manner as debts of a similar amount are recoverable.

Penalty for neglect of road.

SECTION 15. If the said company shall neglect to keep the said road in good travelling order and repair, for the space of ten days, and information thereof shall be given to any justice of the peace in the vicinity of where the repair ought to be made, such justice shall issue a precept, directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept to be mentioned, at the place on the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate nearest thereto;

and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road or any part thereof is in such good order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify, and send one copy of the said inquisition to each of the keepers of the gates or turnpikes between which such defective place shall be, and from thenceforth the tolls hereby authorized to be collected at such gates shall cease to be demanded or collected, until the said defective part or parts of the road shall be put in good order and repair as aforesaid; and if the same shall not be put in good order before the next court of quarter sessions, to be held for the county in which the defect is proved to be, the justice shall certify and send a copy of the inquisition aforesaid to the judges of the said court, and the court shall, thereupon, cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the road as shall be found defective, and shall proceed thereon as in cases of supervisors of the highways for neglect of duty; and if the person or persons entrusted by the company as aforesaid, shall be convicted of the offence in and by the said inquisition charged, the said court shall give judgment as in the case of supervisors of the highways neglecting their duties: the penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the township wherein the offence was committed, to be used for repairing the public roads in the said township.

SECTION 16. All drivers and conductors of wagons and carriages, of Rule for passing all kinds, using the said road, shall, except when passing by a vehicle carriages. of slower draught, keep their horses and carriages on the right hand side of the road in the passing direction, leaving the other side free and clear for other carriages to pass and re-pass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage, who will sue for the same, to be recovered with costs in the usual manner; and no driver of a carriage of any kind shall pass any other vehicle going in the same direction at a faster gait than a trot, at a rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one-half to the use of said company, and the other half to the use of the informant.

SECTION 17. If any person or persons shall wilfully injure or destroy Penalty for in- any gates, posts, buildings, or other fixtures of the company, or shall, juring works. without permission from the acting superintendent of the said road, throw out upon the road, or within the limits thereof, any wood, stone, dirt or rubbish of any kind, and shall suffer the same to remain for the space of one day after notice thereof shall have been given to the person offending, such person or persons so offending, shall, for each and every such offence, on conviction thereof by the evidence of one or more creditable witnesses, before any justice of the peace of the county in which the offence shall have been committed, pay a fine not exceeding five dollars, with costs, to be recovered as debts of a like amount are recoverable, for the use of the said company.

SECTION 18. In the adjustment of claims for damages for taking or Mode of assess- using land or other property, by the company, it shall be the duty of ing damages.

the persons appointed according to this act, to take into consideration the advantages as well as disadvantages to be derived by the claimant from the making of said turnpike road.

Dividend.

SECTION 19. The president, managers and company shall, in the month of May, in each and every year, on a day to be named in their by-laws, proceed to examine and ascertain the income of the company, and after deducting all costs and charges incurred by the same, shall, out of the net profits, if any there be, declare a dividend to and among the stockholders, notice of which, and of the time and place, shall be given, and the same shall be paid accordingly: *Provided*, That if it shall be ascertained that the net profits of the company will not produce a dividend on the capital stock of six per cent. per annum, then it shall be lawful for the president and managers to add to the tolls herein authorized by this act, so as to produce that per centage; and if the tolls shall at any time produce a net income exceeding ten per cent. per annum, then the tolls shall be reduced so that the net income shall not exceed that amount.

Proviso.

Township subscription.

SECTION 20. The supervisors of the highways of the townships through which the said turnpike road shall pass, shall, in addition to the powers vested in them by the act of assembly approved April the fifth, A. D., one thousand eight hundred and forty-two, authorizing subscriptions to be made to turnpike roads, on behalf of townships through which said roads may pass, be authorized and empowered to borrow money to pay the instalments on the stock so subscribed, and to issue certificates for the same, bearing an interest not exceeding six per cent. per annum, and payable at any time not exceeding ten years, which certificates shall be binding on the said townships.

Commencement and completion limited.

SECTION 21. If the said company shall not proceed to carry on the said work within five years, or shall not within ten years from the passing this act complete the said road to the Skippack bridge, at or near the line dividing the townships of Towamencin and Lower Salford, according to the true intent and meaning of this act, then and in either of those cases, all and singular the rights, privileges, liberties and franchises hereby granted to the said company, shall revert to this commonwealth.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 114.

AN ACT

To incorporate the Good Intent fire company of Roxborough township, in the county of Philadelphia, and to provide for the same.

WHEREAS, A number of persons have associated themselves together **Preamble.** for the purpose of preserving property from the ravages of fire, and the said persons are desirous of becoming incorporated ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons who constitute the Good Intent fire company of Rox- **Incorporated.** borough township, in the county of Philadelphia, or who shall hereafter be admitted members of the same, shall and are hereby declared to be a body politic and corporate, by the name, style and title of "The **Name.** Good Intent fire company of Roxborough ;" to have perpetual succession, to plead and be impleaded, sue and be sued in all courts of record **Powers, &c.** or elsewhere, and be able to take, hold and enjoy property to the amount of two thousand dollars; to use a common seal, and to alter and renew the same at pleasure.

SECTION 2. The officers of said company shall be a president, vice **Officers.** president, treasurer, secretary and six directors, who shall be elected annually, at such time, and in such manner as the rules and by-laws of said corporation may direct.

SECTION 3. The members of said corporation shall be styled active **Members.** and contributing ; the active members shall, on every just alarm of fire, repair to the engine house, fully equipt, and assist in conveying the engine and apparatus to the fire, aid in extinguishing the same, and re-convey the engine and apparatus to its proper place. The contributing members shall consist of all such persons as shall or may pay to the treasurer of the company the sum of fifty cents annually, for the privilege of becoming members ; and the said persons so contributing shall have all the rights and privileges of active members, shall be eligible to any of the offices before mentioned, (except directors,) and shall not be subject to fines and penalties, except for disorder, misconduct, or neglect of duty when serving as officers, or upon committees of the company.

SECTION 4. The said corporation when convened, upon due notice given **By-laws.** to the members by advertisement or otherwise, shall have power and authority to make, ordain and establish such and so many rules, by-laws and ordinances, relating to the times of meeting, the admission of members, the powers and duties of officers, and for the ordering of the other concerns of the said corporation, as they may deem necessary and proper : *Provided*, That no rule, by-law or ordinance, as aforesaid, **Proviso.** shall be valid, if inconsistent with or repugnant to the constitution and laws of this state, or of the United States.

SECTION 5. The present officers of the said company shall continue in their respective stations until an election shall be made under this act ; **Election.** and the rules, by-laws and ordinances now in force, not inconsistent with the laws of this state, or of the United States, shall be valid until

altered, amended or abrogated by the corporation; and that said corporation shall not exist more than twenty years.

Repeal.

SECTION 6. The legislature reserves the right of altering, repealing, annulling, or revoking the privileges hereby granted.

Appropriation.

SECTION 7. And as the aforesaid corporation is established for the public benefit, it is but just and proper that it should be provided for at the public expense: Therefore, be it further enacted by the authority aforesaid, that the managers for the relief and employment of the poor in the township of Roxborough, in the county of Philadelphia, shall and hereby are required to make out of the poor tax of said township, an annual appropriation of fifty dollars, lawful money of the United States, to the corporation aforesaid; also, the sum of fifty dollars to the Manayunk fire company; the said appropriations to be made and paid to the treasurers of said corporations, on or before the first day of July, in each and every year; and the receipt of said treasurer for the amount, shall be their sufficient voucher in the settlement of their accounts: *Provided*, That the said amount so appropriated, shall be expended only and solely for the purpose of keeping the apparatus and other property of said corporation in repair, for renewing the same, and rendering it efficient.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 115.

AN ACT

Authorizing the laying out of a state road from the north end of Scott's bridge, on Slippery Rock creek, in Beaver county, to Portersville, in Butler county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Robert Stewart, Esquire, of Portersville, Butler county, Joseph Morton, Esquire, and Jacob Vangorder, of Beaver county, be and they are hereby appointed commissioners to view and lay out a state road from the north end of Scott's bridge, on Slippery Rock creek, in Beaver county, to Portersville, in Butler county, in such a manner that the grade from a horizontal line shall not exceed five degrees, except in crossing ravines where reasonable allowance shall be made for cutting and filling. And the said commissioners shall have power to employ a competent artist, two chain bearers, one axeman; and shall file a plot or draught of said road in the office of the court of quarter sessions of Beaver and Butler counties, respectively. Each of the said commissioners and artist, shall

receive as full compensation for their services, the sum of one dollar and fifty cents per day; and the chain bearers and axeman, each seventy-five cents per day, for each and every day by them necessarily employed, which said expense aforesaid, shall be paid out of the treasuries of Beaver and Butler counties, in the same manner as road viewers are usually paid: *Provided*, That each of the persons so appointed and employed by virtue of this act, shall receive compensation from the county in which they reside, respectively.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 116.

A FURTHER SUPPLEMENT

To "An Act to encourage the manufacture of iron with coke or mineral coal, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the provisions of the act, entitled "A further supplement to an act, entitled 'An Act to incorporate the Hazleton coal company,' passed the fourth day of April, A. D. one thousand eight hundred and forty-three," be and the same are hereby extended to the Buck Mountain coal company.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 117.

AN ACT

Supplementary to an act, entitled "An Act to authorize the committee of the estate of Michael Fox, a lunatic, to sell and convey certain real estate, and for other purposes."

Preamble.

WHEREAS, John Kuhns and Michael Straw, committee of the estate of Jacob Snyder, a lunatic, were authorized by the act to which this is a supplement, passed the sixteenth day of April, one thousand eight hundred and thirty-eight, to sell and convey certain real estate of the said lunatic: *And whereas*, The said Michael Straw died before the said committee had fully exercised the power and authority conferred on them by said act; therefore,

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the said John Kuhns, who survives the said Michael Straw, be and he is hereby authorized and empowered to sell at public or private sale, all the right, title, interest, and claim of the said Jacob Snyder, a lunatic, of, in, and to a certain lot of ground, situate near Allegheny city, in the county of Allegheny, containing five acres, be the same more or less, and to make and execute a deed or deeds therefor, to the purchaser or purchasers thereof in fee simple: *Provided however*, Before any such deed or deeds shall be valid and effectual to convey the interest of the said lunatic in the said real estate, the said John Kuhns shall give a bond to the commonwealth in such sum and with such security, as shall be approved by the court of common pleas of Westmoreland county, conditioned for the faithful application of the proceeds of such sale, to and for the benefit of the said lunatic.

Bond.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 118.

AN ACT

To incorporate the Farmers' mutual fire insurance company of Northampton county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Michael Myers, Joseph Santee, Joseph Burk, Paul Siegfried, David Odenwelder, John Brown, John Kostenbader, David Kahler, George Henry Beck, John Dech, Frederick Frankenfield, Thomas Herman and George Johnson, and such other persons as are or may be associated with them, under the authority of this act, being citizens of Northampton and Lehigh counties, their successors or assigns, are hereby made a corporation by the name of the Farmers' mutual fire insurance company, of Northampton county, and they and their successors, are hereby made a body politic and corporate in law, with all the legal incidents of a corporation aggregate: *Provided,* That they shall not have power to hold a greater amount of real estate than is necessary for the use of the corporation in the transaction of the business thereof, or such as shall be taken in security for, or in payment of debts; nor shall the yearly income thereof exceed one thousand dollars; nor shall any by-laws be repugnant to this instrument, the constitution of the United States or this commonwealth. Corporators.
Proviso.

SECTION 2. The power of this association shall be vested in thirteen managers, to be chosen by ballot annually, on the second Saturday of August. at an annual meeting of the company to be held, and each member being entitled to one vote. Managers.

SECTION 3. Each insurer in or with said company, shall be a member thereof, during the term of his or her policy, and no longer. Members.

SECTION 4. That general meetings of this company shall be held annually, on the second Saturday of August, at some convenient place in said county, and also whenever called by the board of managers, or whenever requested by twenty members; and the members shall at such general meeting, pass all by-laws, rules, and regulations necessary for the well government of the affairs of the corporation, or vest the power so to do in the board of managers. And all elections shall be by ballot, each member shall be entitled to one vote at said election, to be conducted by three judges, chosen by the members present for that purpose, who shall certify under their hands the result of said election, and the same to be filed with the papers of the corporation. The managers for the time being, shall choose from among their own members, one president, one secretary, and one treasurer, and such other agents and officers as may be necessary; and fix their respective fees and salaries, and require such bonds for the faithful discharge of the duties assigned, as may be deemed necessary, or the interest of the company may require; and shall have full power to suspend, remove, or displace any such officer or agent of the company, and supply any such vacancy which may happen by death, removal, or resignation of, among their own members, until the next election; and they shall at the annual meeting of the members, present to the company a general statement of its affairs. Annual meeting.
Elections.

Insurance.

SECTION 5. The president and managers shall have full power on behalf of said corporation, to make insurance against losses by fire on any house, tenement, manufactory, mill, barn, or other buildings, and goods, wares, merchandize and effects, and household furniture therein; and on hay, grain, and other agricultural products in barns, stacks, or otherwise; and generally on all kinds of goods, wares, and merchandize and effects, (except books of accounts, bills, bonds, ready money, jewels, plates, paintings, engravings, and large manufactories and distilling houses;) to make, execute, and perfect such and so many contracts, bargains, agreements, policies and other instruments, as shall or may be necessary. and as the nature of the case shall or may require; and every such contract, agreement and policy, to be made by the said corporation, signed by the president, and attested and signed by the secretary, and also shall be signed by the party insured; and the president and managers are hereby empowered to have made, and procure a seal, with such device as they may deem proper, to be used by them as the common official seal of the company.

Investment of moneys.

SECTION 6. It shall be lawful for said company to employ and invest all moneys received by them, and the profits thereof, in the purchase of any ground rents or mortgages, or in any loans on good and sufficient security; and no money shall be drawn from the funds of said company for the purpose of making dividends, or dividing profits, nor for other purposes than, first, to defray the current or incidental charges of the corporation, and then for the purpose of such damages as any member of said company or insurer may be justly entitled to; and when the just demand of any insurer in said company, or member thereof, shall exceed the amount of its available funds on hands, such sums as shall be necessary to pay the same, shall, without necessary delay, be assessed by any three members of the board of managers, appointed by the president, on the insurances, each member to pay in proportion to the amount he has insured, and publish the same; and every of the members of the said company shall pay into the hands of the treasurer his, her or their proportionable part of such rates, within forty days after such publication as aforesaid; and in default of such payment, he, she or they, and every of them, making such default therein, shall forfeit and pay double the said rates; and neglecting to pay the said forfeiture for fifty days more, may, by the managers for the time being, be excluded and debarred from any benefit or advantage from his, her or their insurances respectively, and all right to the stock of this company; and shall, notwithstanding, be liable to said rates, pursuant to his, her or their covenants and agreements.

Notice of loss.

SECTION 7. All and every of the members of this company who shall sustain any loss by fire, shall give immediate notice to the president of the company, who shall appoint a committee of three of the board of managers, that shall examine and inquire into the same; and the said managers, with all convenient expedition, shall inquire into the same, and after ascertaining the sum which said parties shall be lawfully entitled to, make provision and payment as herein specified.

Rates of insurance.

SECTION 8. The members shall, at their general meetings, fix such rates of insurance and incidental charges, and fees, as may be deemed equitable and proper, or vest the power so to do in the board of managers; and any person who shall become a member of this corporation by effecting insurance therein, shall, the first time he effects insurance, and before he or she receives his or her policy, pay the rates that shall be fixed and determined upon; and no premium so paid shall ever be withdrawn from said company during the continuance of its charter.

SECTION 9. That in case any assured, named in any policy or contract of insurance made by the said corporation, shall sell, convey or assign the subject insured, it shall be lawful for such assured to assign and deliver to the purchaser such policy or contract of assurance; and such assignee shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit in his or her own name: *Provided*, That before any loss happens, he or she shall obtain the consent of the president or secretary to such assignment, and have the same endorsed on or annexed to such policy or contract of insurance, to be according to the aforesaid directions, for that purpose, and not otherwise. Assignment of policy.

SECTION 10. That the net profits arising from interest, or otherwise, shall be ascertained yearly, to every member, in proportion to his, her or their deposit, for which each member shall have a credit in the company's books; nothing in this charter to be construed as to allow any of the funds of the association to be used for banking or manufacturing purposes. Profits.

SECTION 11. If at any time it shall appear that the chartered privileges hereby granted are injurious to the public welfare, the power thereof to repeal shall not effect any engagement to which the said company may have become a party previously thereto, and that the said company shall have a reasonable time to bring their accounts to final settlement. Repeal.

SECTION 12. The first thirteen persons named in this bill to constitute the first board of managers, with power to organize the corporation and appoint a president, and other officers and agents, agreeable to the spirit of this act, and to hold their power and authority until the next election, as is herein provided, with all the powers contemplated to be vested in the board of managers elected by the company under the authority of this act. Organization.

SECTION 13. No policy shall be issued by the said corporation, until application be made for insurance to the amount of two hundred and fifty thousand dollars. Policy.

SECTION 14. Suits at law may be prosecuted and maintained by any member against said corporation, for losses or damages sustained, insured against by them, if payment is withheld more than sixty days after the company was duly notified of such losses; and no member of the said corporation, not being in his own individual capacity a party to such suit, shall be incompetent as a witness: *Provided*, The managers do agree to rebuild or replace the property lost or damaged, in which case a reasonable time shall be allowed them so to do. Suits at law.

SECTION 15. Any amendment or alteration may be made to the laws, at any general meeting, by a majority of the whole association: *Provided*, The same is not repugnant to the constitution and laws of this commonwealth or of the United States. By-laws.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 119.

AN ACT

To incorporate the Mechanics' band, of Pottstown, Montgomery county, for the further instruction of martial music.

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every person or persons, who shall at the time of the passing of this act, be members of the association called the Mechanics' band, of Pottstown, of Montgomery county, shall be and they are hereby created and declared to be one body politic and corporate, by the name, style and title of the Mechanics' band of Pottstown association, and shall be able to sue and be sued, plead and be impleaded, in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of: *Provided,* That the clear yearly value or income of the houses, lands and tenements, rents, annuities, or other hereditaments, and real estate, of the said corporation, shall not exceed the sum of two thousand dollars; and also to make and have a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter or the constitution and laws of the United States or of this commonwealth; and generally to do, all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs thereof: *Provided,* That this act shall continue in force for ten years from the passage thereof, and no longer, for the purpose aforesaid; and the legislature reserves the right to alter, amend or annul this charter at any time hereafter.

Proviso.

Annual income.

Proviso.

Annual election.

SECTION 2. That the present directors of the said association shall continue to act as such until the second Saturday of May next, at which time, and annually thereafter, the said corporation shall elect a president, and such officers as may be required in the constitution and by-laws of said association, for the proper government thereof.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 120.

A N A C T

Relative to the Harrisburg, Portsmouth, Mount Joy and Lancaster railroad company.

WHEREAS, Doubts have arisen whether the Harrisburg, Portsmouth, Mount Joy and Lancaster railroad company, have power under the **Preamble.** eightieth section of an act of Assembly, passed the seventeenth of March, one thousand eight hundred and thirty-eight, entitled "An Act to incorporate the Athens and Ithaca railroad company, and for other purposes," to create the additional number of shares of stock therein authorized, in any other manner than by subscriptions at par; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the **Increase of stock.** Harrisburg, Portsmouth, Mount Joy and Lancaster railroad company, shall have authority to create the additional number of shares of stock authorized by the eightieth section of the said act of March seventeenth, one thousand eight hundred and thirty-eight, by a resolution of two-thirds of the stockholders of said company, in number and value: **Pro- Proviso.** *Provided,* That such resolution shall be adopted at a special meeting of the stockholders called for the purpose.

SECTION 2. And the directors of said company are hereby authorized **Loans.** to sell any number of the shares of the stock that may be so created by the stockholders, at such time and at such price as they may deem proper; and also shall have authority to negotiate a loan or loans, by pledging such shares or any part thereof, in such manner as they may believe conducive to the interest of the company: **Proviso.** *Provided,* That the aforesaid company shall be required at all times, to furnish sufficient motive power to transport any number of passenger or burden cars over said road, for **Motive power.** which application may be made: *Provided also,* That before such sale or loan shall be made, notice shall be given of the time and place of taking the same, by at least three insertions in one newspaper in the cities of Philadelphia and Lancaster, and the borough of Harrisburg.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 121.

A N A C T

Concerning views of roads and bridges, and road damages, in Lehigh county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the expense of all views, and the viewers of public roads and of bridges, and of views to assess damages arising from the opening of public roads, in the county of Lehigh, shall be paid by the petitioners; and all assessments of damages arising from the opening of such roads, shall be paid by the townships in which the same may be located; and the supervisors of said townships are hereby authorized to levy a tax for the payment of all such awards or damages, after the same shall have been affirmed by the court of quarter sessions of said county.

SECTION 2. All such viewers, or a majority of them, shall hereafter be selected from among the citizens of the respective townships in which roads or bridges, as aforesaid, are proposed to be located; and so much of all former laws as is in anywise altered or superseded by this act, is hereby repealed.

SECTION 3. The act, entitled "An Act supplementary to an act, entitled 'An Act relating to roads, highways and bridges,'" approved April the thirteenth, one thousand eight hundred and forty-three, so far as relates to the county of Montgomery, shall not be construed to apply to any bridge upon any turnpike road, or connecting any turnpike roads which may have been erected by any county; and hereafter such bridges shall be kept in such repair as may be approved by the court of quarter sessions of the county in which the same may be located, by the turnpike road company, in the same manner as if the same had been erected by such company. And where a bridge connects two turnpike roads, the one-half of the length of such bridge shall be kept in repair, in like manner, by the company whose road such half connects with, under the same penalties and provisions the turnpike roads respectively are required to be kept in repair; and the managers of the turnpike road company, whose duty it shall be to keep such bridges in repair as aforesaid, shall be liable to be indicted and punished for neglecting to keep the same in repair, in the same manner as supervisors of roads are for neglect of keeping the public roads in repair.

SECTION 4. That the expenses of views and reviews of public roads, in the county of Adams, shall be paid by the petitioners for such views and reviews.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 122.

AN ACT

Authorizing the commissioners of Warren county, to erect a bridge across the Conewango creek, at Warren.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Warren county be and they are hereby authorized and required to erect and build a good and substantial bridge across the Conewango creek, at the borough of Warren, in said county, according to such a plan, and at such point as they may think most desirable; and the amount of money necessary to construct said bridge, the said commissioners are hereby authorized and required to assess and collect from the borough of Warren, and the townships of Conewango, Glade and Elk, according to the same valuation, and in the same manner as county rates and levies are now assessed and collected, in addition to the usual rates and levies assessed and collected, or to be assessed and collected for county purposes.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 123.

A SUPPLEMENT

To an act, entitled "An Act relating to common schools in West Chester and Schuylkill townships, Chester county," and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when the guardian or trustee of any minor or other *cestui que trust* residing in the borough of West Chester, shall reside in any other borough or township within the county of Chester, it shall be the duty of the assessor of the township or borough in which such guardian or trustee shall reside, at the time he shall make the assessments for state and county purposes, to ascertain the amount of personal property taxable for school purposes, belonging to such minor or other *cestui que trust*, and to assess the same; and the said assessor shall furnish to the school directors of the West Chester school district, within twenty days after he shall have ascertained and assessed said personal property, a correct copy of such assessment: *Provided,* That said law shall not be construed to extend to the property of any minor temporarily residing at boarding school, in the said borough of West Chester.

Tax.

Proviso.

Duty of assessor.

SECTION 2. That in the performance of the duty required by the foregoing section, the several assessors in the said county of Chester, shall proceed in the same manner, and have the same authority as is provided in the fourth and fifth sections of the act, entitled "An Act to create additional revenue to be applied towards the payment of the interest, and the extinguishment of the debts of this commonwealth," passed the eleventh day of June, Anno Domini one thousand eight hundred and forty.

Guardian, &c. to make a correct statement of property.

SECTION 3. That if any such guardian or trustee shall neglect or refuse, with inquiry made therefor by the proper assessor, to return to such assessor a correct statement of all the personal property belonging to such minor or *cestui que trust*, residing in the borough of West Chester, aforesaid, such guardian or trustee shall pay of his own proper moneys, for the use of said West Chester school district, a tax not exceeding double the amount of the regular assessment, at the discretion of said school directors, on all such personal property as he shall neglect or refuse to return as aforesaid; and the collection thereof may be enforced in the same manner as other taxes for school purposes are now or may be hereafter enforced.

Repeal.

SECTION 4. That the proviso to the fifth section of the act to which this is a supplement, and so much of said act as is supplied by, or as is inconsistent with this act, be and the same are hereby repealed.

West Goshen township schools.

SECTION 5. That the first, second and third sections of an act, entitled "An Act relating to the common schools in West Chester and Schuylkill townships, Chester county," passed the twenty-third day of April, Anno Domini, one thousand eight hundred and forty-four, be and the same are extended to the school district composed of West Goshen township, in said county of Chester, except so much of said sections, as requires each male taxable inhabitant of the school districts, in said act mentioned, to pay a tax not exceeding fifty cents.

SECTION 6. The provisions of this act, and the act to which this is a Pennsbury town-supplement, approved the twenty-third day of April, one thousand eight hundred and forty-four, be and the same are hereby extended to the township of Pennsbury, in the county of Chester.

SECTION 7. That so much of any law as provides, that taxes on offices and posts of profit, professions, trades and occupations, and on single freemen, above the age of twenty-one years, who follow no occupation, for school purposes, shall not exceed the amount assessed on the same for county purposes, be and the same is hereby repealed, so far as relates to the county of Montgomery; and that hereafter, the tax on offices, posts of profit, professions, trades and occupations in said county, shall be the same, or at the same rate, as on real and personal property, taxable for school purposes.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 124.

AN ACT

To exempt from taxation the estate of the Pennsylvania hospital.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the estates and property, real and personal, now belonging to the corporation of the contributors to the Pennsylvania hospital, shall be and remain free from the payment of taxes of any kind whatsoever: *Provided,* That nothing in this act shall exempt from the assessment and payment of road and poor taxes, so far as any part of the property of said Pennsylvania hospital is located in Blockley township.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The nineteenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 125.

AN ACT

Entitled "An Act to authorize the election of one supervisor in the township of Coventry, Chester county."

Supervisor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the citizens of East Coventry, in the county of Chester, shall elect annually, in said township, one supervisor of roads, and no more; and that so much of the law which authorizes two supervisors in said township, be and the same is hereby repealed.

Justice of the peace.

SECTION 2. That from and after the passage of this act, the citizens of East Coventry, in the county of Chester, shall elect one justice of the peace in said township, at the spring election in March, one thousand eight hundred and forty-six, and every five years thereafter, they shall elect one justice of the peace, and no more; and that so much of the law, which requires the election of two justices of the peace in said township, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 126.

AN ACT

Concerning bail and attachments.

Absolute bail in appeals.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in lieu of the bail heretofore required by law, in the cases herein mentioned, the bail in cases of appeal from the judgments of aldermen and justices of the peace, and from the awards of arbitrators, shall be bail absolute, in double the probable amount of costs accrued and likely to accrue in such cases, with one or more sufficient sureties, conditioned for the pay-

ment of all costs accrued or that may be legally recovered in such cases against the appellants; and the bail in all cases where bail is now required for the stay of execution, shall be bail absolute, with one or more sufficient sureties, in double the amount of the debt or damages, interest and costs recovered, conditioned for the payment thereof in the event that the defendant fail to pay the same at the expiration of the stay of execution.

SECTION 2. That in all cases of dissolving foreign attachments, the bail shall be bail absolute, in a recognizance in double the amount in controversy, as nearly as may be ascertained, with one or more sufficient sureties, conditioned for the payment of the debt or damages, interest and cost that may be recovered.

SECTION 3. That the right to appeal from judgments of aldermen and justices of the peace, and from their judgments on awards of referees, is hereby extended to defendants in all cases wherein, by existing laws, the right of appeal is enjoyed by plaintiffs.

SECTION 4. That so much of the act of assembly, passed sixteenth day of June, eighteen hundred and thirty-six, entitled "An Act relating to executions," as provides for the levy and recovery of stock, deposits and debts due to defendants by process of attachment and scire facias, is hereby extended to all cases of attachments to be issued upon judgments against corporations, (other than municipal corporations,) and from and after the passage of this act, all such process, which hereafter may be issued, may be proceeded in to final judgment and execution, in the same manner and under the same rules and regulations as are directed against corporations, by the provisions of the act of sixteenth June, eighteen hundred and thirty-six, relating to executions; and that so much of the thirty-sixth section of the act of sixteenth June, eighteen hundred and thirty-six, as requires service of the attachment on any defendant, be and the same is hereby repealed, except where the defendant is a resident of the county in which the attachment issued.

SECTION 5. That this act shall take effect on the first day of June next, and so much of existing laws as are hereby altered or supplied, be and the same are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 127.

A N A C T

To authorize the settlement of the claim of Charles Fuller, for work done on section one hundred and eighty-three, North Branch extension of the Pennsylvania canal.

Preamble.

WHEREAS, The contractor for section number one hundred and eighty-three, on the North Branch extension of the Pennsylvania canal, being dissatisfied with the measurement of his work, appealed from the final estimate made in May, one thousand eight hundred and forty-one, a re-measurement was ordered by the canal commissioners :

And whereas, The engineer detailed for that duty reported that " the whole work done upon this section cannot be accurately re-measured, because the original shape of the country along the sections cannot be ascertained, it being located along a bluff, the face of which has been cut off. The floods, too, have washed away some portions of the work ;" therefore,

Duty of canal commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the canal commissioners be, and they are hereby authorized and required, to cause the work to be re-measured on section one hundred and eighty-three, North Branch extension of the Pennsylvania canal, according to the contract entered into for the construction of said section, and report their determination and opinion thereon to the legislature : *Provided*, That before any re-measurement shall be gone into, the said contractor aforesaid shall give ample security to the commonwealth for the full payment of the necessary expenses incurred in the re-measurement ; and the necessary expenses incurred by the commissioners in the re-measurement, shall be paid by the contractor, if the estimate of said re-measurement shall be found equal to or less than the first estimate.

proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 128.

AN ACT

To confirm a patent to John Williams.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a certain patent from the commonwealth to John Williams, bearing date of the twenty-fourth day of October, A. D. one thousand eight hundred and thirty-six, for twelve acres and thirty-five perches of land, in Mill Creek township, Erie county, with the land therein described, be and the same is hereby confirmed to the said John Williams, and his heirs and assigns forever: *Provided,* That nothing herein contained shall be construed to effect the rights or interests of any person or persons whomsoever, acquired prior to the date of said patent.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 129.

AN ACT

Relative to the obstructing of the crossings of public roads by locomotives and cars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any railroad company to block up the passage of any crossings of public streets or roads, or obstruct the said crossings with their locomotives or cars; and if any engineer or other agent of any such railroad company, shall obstruct or block up such crossings, he or they shall be subject to a penalty of twenty-five dollars, to be recovered with costs, in the name of the commonwealth of Pennsylvania, before a justice of the peace; one-half of such penalty shall be paid to the informer or informers, and the remaining half shall be paid into the treasury of the commonwealth: *Provided,* That in the event

of the said engineer or agent being unable to pay the said penalty, then and in that case, the said railroad company employing the said engineer or agent, shall pay the penalty aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 130.

AN ACT

Relating to the courts of justice in Chester county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the court of common pleas for the county of Chester shall be holden on the last Mondays in January, April, July and October, and shall continue four weeks, if the business of the said court shall require it: *Provided,* That the trial of civil issues depending in the said court, shall not commence until the second succeeding Monday after the said last Mondays, unless it be otherwise ordered by the judges of the said court.

'Terms.

Civil causes.

SECTION 2. The said judges shall have power to order at any time of the said court, that the trial of civil causes depending in the said court, shall be commenced during the second week of the next succeeding term, at a day fixed; and such order being entered on record, the court shall award a venire for jurors, and the trial of such issues shall be commenced accordingly, or as soon thereafter, as the other business of the judges of the said court will permit.

Repeal.

SECTION 3. So much of any law, as is hereby altered or supplied, is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 131.

A N A C T

To confer on certain persons all the rights and privileges of children born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Stevenson, of the county of Lancaster, shall have and enjoy all John Stevenson. the rights, benefits and advantages of a child born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been born in lawful wedlock.

SECTION 2. That Mary Jane, an illegitimate daughter of Martha Mary Jane Thompson, deceased, of the county of Butler, is hereby authorized to Thompson. change her name to be Mary Jane Thompson; and she shall henceforth be called and known by the name of Mary Jane Thompson, and by that name shall be able and capable in law to sue and be sued, and to grant and receive property, and to do all other legal acts as effectually, to all intents and purposes, as she could have done under her former name, if no change had been made therein; and she is hereby declared to be entitled to all the benefits, rights and privileges, of a legitimate child of William Thompson, (C.) of said county of Butler, born in lawful wedlock, and shall be deemed capable to inherit and transmit all estate, real and personal, of the said William Thompson, (C.) with the same effect as if she had been his legitimate issue.

SECTION 3. That George P. Heller, of the town of Milford, county Geo. P. Heller. of Pike, shall possess and enjoy all the rights and privileges of a child born in lawful wedlock.

SECTION 4. That Sarah Ann Saylor, John Henry Saylor, illegitimate Sarah Ann Say-children of Robert Saylor, of the township of Annville, in the county lor, and John of Lebanon, shall have and enjoy all the rights and privileges of chil- Henry Saylor. dren born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if they had been born in lawful wedlock.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 132.

AN ACT

To incorporate the American Baptist publication society.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the persons belonging to or composing the society now called "The American Baptist Publication and Sunday School Society," be and they are hereby created a body politic and corporate in law, by the name, style and title, of "The American Baptist Publication Society," and by that name shall have perpetual succession, have a common seal, make contracts, may sue and be sued, plead and be impleaded in any court of record or in any other place whatever; and may also hold any real or personal estate conveyed to them by gift, grant, bargain and sale, devise, bequest, or other alienation whatsoever, and sell and convey the same: *Provided,* That the clear yearly value of the lands, tenements, or other real estate of the said corporation, shall not exceed the sum of two thousand five hundred dollars.

SECTION 2. The object of this corporation shall be to publish such works of a religious character, as shall be approved of for that purpose by the board of managers.

SECTION 3. Its officers shall be a president, two or more vice presidents, a recording secretary, a corresponding secretary, a treasurer, and twenty-one other members, who, together, shall constitute a board of managers, and any five of them shall form a quorum. They shall be elected by ballot at the yearly meetings hereinafter provided for, and until the first election shall be held in pursuance hereof, the officers of the present society shall be the officers of this corporation; and no failure to hold an election for, or to elect any of said officers, shall be deemed a forfeiture of any of the corporate privileges hereby conferred, but the same shall continue unimpaired thereby; and on such failure or failures, the officers of the preceding year shall continue in office until their successors shall be duly elected.

SECTION 4. A meeting of the corporation shall be held once in each year, at such time and place as the board of managers may appoint for the election of officers, and for such other business as it may be necessary for the society to transact.

SECTION 5. Other associations for a similar object may be made auxiliary to this corporation, by such means, and in such manner as may be directed by the board of managers, and have the privilege of representation in its annual meetings.

SECTION 6. The board of managers shall have the power to appoint such other officers not hereinbefore provided for, as may be necessary to provide for and regulate the admission of persons being citizens of the United States, as corporators, and to make all other laws and regulations necessary for the good government of the corporation, and not

Incorporated.

Name.

Seal.

Powers, &c.

Proviso.

Object.

Officers.

Election.

Meetings.

Auxiliaries.

Members.

repugnant to the constitution and laws of the United States, or of this commonwealth; and the said corporation shall continue ten years, and no longer.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 133

AN ACT

To confer on Jacob Reese Way, the rights and benefits of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jacob Reese Way, of Chester county, minor son of Joseph Way and Mary Ann, his wife, shall have and enjoy all the rights, benefits and advantages of a child born in lawful wedlock; and shall be able and capable in law, to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been born in lawful wedlock.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 134.

A N A C T

To authorize the officers of the Bangor church, in Churchtown, Lancaster county, to sell certain real estate.

Preamble.

WHEREAS, It appears that the old school house erected for the use of the Bangor church, in Churchtown, Lancaster county, with money bequeathed for said purpose by George Hudson, deceased, is of no use to said church, but a continual expense to keep the same in repair :

And whereas, A new school house has recently been erected for the use of said church, much more convenient to the same ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That William James Clark, Charles Robinson, Edward Davies, John Bechard, James P. Davies, George Miller, Cyrus H. Jacobs, Joseph Potts, Jr., Edward S. Davies, Lot Rogers and Thomas B. Jacobs, officers of the Bangor church, in Churchtown, Lancaster county, are hereby authorized to sell and convey, in fee simple, all that old school house with its appurtenances, erected by the said Bangor church, with money bequeathed by George Hudson, deceased, to said church, and appropriate the proceeds of said sale, to the payment of a new school house, recently erected for the use of the said Bangor church : Provided, That before such sale shall take place, the court of common pleas of Lancaster county shall take bond in sufficient sureties, for the faithful application of the proceeds as aforesaid.*

Proviso.

Bond.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 135.

A SUPPLEMENT

To an act, entitled "An Act to authorize the construction of a bridge to connect Fort Mifflin with the main land, and for other purposes," passed the twentieth day of April, one thousand eight hundred and forty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act to which this is a supplement be corrected and amended by substituting the words "Mud Island," in place of the words "Tinicum Mud Island," in the first section of the said act, and that the said act be always taken and construed as though the said error had not been made.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 136.

A FURTHER SUPPLEMENT

To "An Act to incorporate the Mount Carbon railroad company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the said Mount Carbon railroad company be and they are hereby authorized, after paying all repairs and other necessary expenses, to expend the tolls and profits heretofore received or hereafter to be received by the said company, in re-laying the railroad of said company with iron rails, and in making such improvements of, or upon the said railroad, as they may deem expedient; and the amount of all tolls and profits, after paying such repairs and expenses which have been heretofore or may be hereafter expended for the purposes aforesaid, or like purposes, shall be deemed and taken to be so much capital stock paid in by the existing stockholders; and they shall be entitled to receive certificates of the capital stock of the said company for the same amount at par, to be divided among them pro rata, in

proportion to the number of shares held by each at the time of issuing such certificates.

Tolls.

SECTION 2. That from and after the passage of this act, it shall be lawful for the said company to charge and receive toll for all goods, wares and merchandize, coal, iron ore, limestone, minerals, lumber, and all other articles carried or transported on their said railroad, at the rate of three cents per ton of twenty-two hundred and forty pounds per mile, and no more: *Provided*, That all distances within one mile of the junction of this road with the Philadelphia and Reading railway, shall be rated as one mile in all charges authorized by this act. That the said company may charge one cent per ton for registering and furnishing, to all persons interested, certified accounts of the weight, by said company's weigh scales, of all coal passing over said road: *Provided*, That no toll shall be charged on empty cars going for loads, or returning from whence they have been unloaded: *And provided further*, That no charge for toll or weighing, heretofore made or received by said company, shall be deemed to work a forfeiture of its charter: *Provided*, That nothing herein contained shall be construed to effect the right of any person or persons, who may have paid illegal and excessive tolls to said company, from prosecuting his or their proper action to recover back the excess above the amount which said company had a right by law to charge.

Proviso.

Weighing.

Termination.

SECTION 3. That the said company shall be under no obligation to extend the said railroad below its present termination, at its junction with the Philadelphia and Reading railroad at Mount Carbon, nor to extend the west branch thereof higher up the west branch of the Norwegian creek, or in the direction thereof, than its present termination at the south side of the Mine hill.

Certificates.

SECTION 4. That it shall not be necessary for the said company to issue a separate certificate for each share of the stock thereof, but one certificate may be issued for any number of shares held by one person, co-partnership, body politic or corporate, unless otherwise required by the owner or owners thereof. All elections of treasurer and secretary of said company, shall hereafter be made by the votes of a majority of the president and managers, either from their own body, or otherwise; and the said offices may be held by one person, if so deemed expedient by the said president and managers.

Dividends.

SECTION 5. That so much of the act incorporating the said Mount Carbon railroad company, as authorizes the said company to increase the rates of toll to enable it to make certain rates of dividends, and that limits the rates of dividends, and all such acts or parts of any act relating to said company, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

Repeal.

SECTION 6. That if the said company shall at any time hereafter violate the provisions of their charter, as hereby amended, the legislature may at any time thereafter, resume and repeal all and singular the rights and privileges granted to the said company.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 137.

A FURTHER SUPPLEMENT

To an act, entitled "An Act authorizing the laying out and locating a state road from the borough of Elizabethtown, Allegheny county, to the borough of Brownsville, in Fayette county, and for other purposes," passed the thirteenth April, one thousand eight hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That *Roads in Bradford, Tioga and Potter counties.* it shall be the duty of the road commissioners of the several townships *ford, Tioga and Potter counties.* in the counties of Bradford, Tioga and Potter, within thirty days after they shall have obtained the assessments from their respective assessors, to meet together at the office of the town clerk, and make an estimate of the probable amount necessary to put the roads in good repair for the current year; and also the amount of money necessary to pay off the expenses and debts of said townships, and proceed to levy a tax for road purposes, not exceeding one cent on the dollar of valuation: *Provided, Proviao.* That if the same should not be sufficient to put the roads in good repair, they may proceed to levy an additional tax; and also to issue their duplicates accompanied with their warrant for collection, to the several collectors of county rates and levies, or some other suitable person, for such sum in money as they may deem necessary to meet the liabilities of their respective townships: *Provided also,* That nothing contained in this section shall be so construed as to authorize the said commissioners to collect in money, more than one-quarter of the amount so levied.

SECTION 2. That the road tax levied by the supervisors in the several townships in the counties of Bradford, Tioga and Potter, for the year one thousand eight hundred and forty-four, shall be considered legal to all intents and purposes, as though the act to which this is a further supplement, had not been passed; and the said supervisors shall be allowed the same compensation for their services in said year, which is allowed by former laws regulating supervisors in said counties; and all arrearages of road taxes for said year, which shall not have been worked out, or otherwise paid on the roads, shall be handed over to the commissioners elected in pursuance of the act to which this is a further supplement, and worked out on the roads agreeable to said act; and the auditors of the several townships in said counties, shall settle the accounts of the said supervisors, agreeable to former laws in such case made and provided. *Former levy of taxes legalized.*

SECTION 3. That the act to which this is a further supplement, shall not be construed to affect any view or review of any road that shall have been made in pursuance of an order issued from the court of quarter sessions for said counties, previous to the first day of September, for the year one thousand eight hundred and forty-four; and all roads which shall have been viewed in pursuance of such order, shall be proceeded in and confirmed by the courts for said counties, in the same manner that they would have proceeded in under the laws existing previous to the passage of the act and supplement hereto referred; and the said roads shall be recorded by the clerk in the book for the recording of roads and *Views and re-views of roads.*

bridges for said counties, in the same manner that it has heretofore been done.

Repeal.

Penalty for neglect of commissioners.

SECTION 4. That the eighteenth and twenty-first sections of the act to which this is a further supplement, being supplied by the first section of this act, the same is hereby repealed, and this act is to take effect from and after the passage of the same, so far as relates to the counties of Bradford, Tioga and Potter; and in case of the neglect or refusal of the commissioners elected, under the act to which this is a further supplement, to discharge the duties enjoined on them by said act, they shall be proceeded against in like manner, and subject to like penalties, as supervisors were under former laws in said counties: *Provided*, That the duties and powers heretofore exercised by supervisors, under the fourth, fifth and seventh sections of the act relating to counties and townships, and county and township officers, passed the fifteenth April, one thousand eight hundred and thirty-four, shall hereafter, in the aforesaid counties of Bradford, Tioga and Potter, be exercised by the road commissioners, elected or appointed by virtue of the act to which this is a further supplement; and the said road commissioners shall be authorized to issue their warrant, for the collection of such road taxes as shall not be worked out on the roads, under the direction of the said pathmasters, to the constable of the proper township or borough, who shall proceed to collect the same, as other debts are collected on executions.

Warrant.

Vacancy.

SECTION 5. That in case there shall have been a tie in the election of any commissioners, authorized to be elected by the act to which this is a further supplement, the two commissioners legally elected in any township, shall fill the vacancy by appointment; and a majority of the board of commissioners shall form a quorum, for the transaction of business.

Commissioners.

State road from Bradford county to Lycoming co.

SECTION 6. That Gordon F. Mason, John Passmore, of Bradford county, and Robert Faries, of Lycoming county, be and they are hereby appointed commissioners, to view, lay out, and mark a state road, beginning at or near the junction of the Carbon branch of the Towanda creek, with the main branch of the same in Bradford county, thence by the most suitable route to Ralston, in Lycoming county; and in case of resignation or refusal to act, by either of the said commissioners, it shall be the duty of the judges of the court of quarter sessions, of the county in which the commissioners resigning or refusing to act, resides, to appoint a substitute.

Vacancy.

Meeting of commissioners.

SECTION 7. That it shall be the duty of said commissioners to meet at the house of P. C. Ward, in said county of Bradford, on the first of June next, or earlier, and after having made oath before some officer, authorized to administer the same, faithfully and honestly to discharge the duties enjoined upon them by this act, proceed to view the ground over which the proposed road is to pass, and lay out the said road upon the best and most practicable route, having regard to public accommodation, the crossing of streams, the damage to private property, and the nature of the ground, so that a good road may be had; and it shall be the duty of the said commissioners, to plainly and carefully mark the route agreed upon.

Pay.

SECTION 8. The commissioners herein named, shall receive a per diem allowance of one dollar and fifty cents, for each day they shall be necessarily employed in performing the duties under this act; and they are authorized to employ a surveyor, at one dollar and fifty cents per day, and two chain carriers, and one axeman, at one dollar per day.

Drafts.

SECTION 9. The said commissioners shall, on or before the first day of January next, make out three drafts of said road as located, whereon shall be noted the courses and distances, the crossing of county and

township lines, and the crossings of streams, one of which shall be forwarded, by mail, to the secretary of the commonwealth, to be filed in his office as a matter of record, and one to be filed in the office of the clerk of the court of quarter sessions, in the respective counties through which the road may pass; and from the time of such filing as last stated, the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired as hereinafter provided.

SECTION 10. That the accounts of said road commissioners, for their own pay, and the pay of those directed to be employed by them, under paid. this act, shall be adjusted by the county commissioners of the counties through which the road may pass, and paid out of the treasuries of the same, according to the time actually required to locate the said road within the said respective counties.

SECTION 11. That it shall be the duty of the said road commissioners to make out, and certify to the commissioners of Bradford county, and to the commissioners of Lycoming county, a list of the tracts of unseated land in the said counties, lying on, and contiguous to the route of said road, including the tracts of unseated land belonging to the heirs of Robert Barclay, in the townships of Leroy and Franklin, in Bradford county: and also, the unseated tracts in the same townships, belonging to the estate of Archibald M'Call, deceased; and also, the unseated tracts in Bradford county, now, or lately held in trust by Bartholomew Wistar, William Rawle and Joseph Trotter, together with such other tracts of unseated lands, in the said counties of Bradford and Lycoming, as lie contiguous to said road, and as may be deemed by the said road commissioners, to afford a fair and equitable proportion of the road taxes necessary to construct said road, and keep the same in good repair. Certificates of unseated lands.

SECTION 12. That from and after the passage of this act, it shall be the duty of the treasurers of Bradford and Lycoming counties, respectively, to keep a separate and distinct account of all moneys assessed and collected for road purposes, on the several tracts of unseated lands in the list so as aforesaid made and certified by the said road commissioners; and the said treasurers shall annually, or as they shall receive the same, pay the amount of said taxes to the supervisors of those townships in Lycoming county, and to the township road commissioners of the several townships in Bradford county, through which the said state road shall pass, whose duty it shall be to lay out said moneys in opening and improving such parts of said state road, as fall within the limits of their respective townships; and to secure the faithful performance of the duties imposed upon the said supervisors and township road commissioners, they shall respectively execute and deliver to the county treasurer of the proper county their bonds, with sureties in any sum which shall be considered sufficient by the said treasurer, conditioned for the faithful expenditure of such moneys for the above specified purpose; and it shall or may be the duty of any person feeling themselves aggrieved by the misappropriation of such moneys, or negligence of said supervisors and township road commissioners to perform such duties, to institute suit upon said bond or bonds, and upon recovery, the penalty of said bond shall be considered the measure of damages, and be recovered as debts of like amount are by law recoverable; which sum, after deducting the expense of prosecution, including one dollar per day for the time of the complainant or prosecutor, shall be applied to the opening and improving of said road. Taxes, Bradford and Lycoming counties for road purposes.

SECTION 13. That it shall be the duty of the said supervisors and township road commissioners, upon receiving the money as aforesaid, to go on the said state road and allot to the lowest and best bidder, such Allotment of moneys.

amount of work as they have funds to perform, after deducting one dollar per day for their services; and the said supervisors shall give public notice of the time and place of such allotment of work, by written or printed advertisements in the most public places in their respective townships and vicinity.

Repeal.

SECTION 14. That the first and second sections of an act, entitled "An Act to appropriate certain unseated land taxes in the county of Bradford," passed the eighteenth day of March, one thousand eight hundred and forty-four, be and the same is hereby repealed.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 138.

AN ACT

Relating to roads in Middletown township, Delaware county, and for other purposes.

Sale of roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That at every sale of the sections of public roads in Middletown township, Delaware county, made agreeable to law, if there is not a bid for improving and keeping in repair any section or sections, as low as the supervisors may believe the same can be done for, they are hereby authorized to retain the same, and have said section or sections improved and kept in repair, in the most judicious manner, until the following year, when they are again to be offered at public sale, at the same time that sections given up or forfeited, are directed to be offered for sale; at every sale of sections of public roads in said township, if the lowest bidder at any section shall not possess sufficient property in the opinion of the supervisor, as indemnification, to insure the faithful performance of the contract, they shall require security immediately for the same; and the person or persons accepting as such, shall subscribe their names under that of the purchaser, in the book of contracts; but if satisfactory security shall not be given, the section shall be again offered for sale.

State road from Cumberland co. to York county.

SECTION 2. That Michael G. Beltzhoover and John Cornman, of Cumberland county, and Philip Smyser, of York county, are hereby appointed commissioners to lay out, by courses and distances, a state road, beginning at the south end of the bridge over the Yellow Breeches creek, on the road from Dillsburg to Carlisle, near Latshore's mill, in Cumberland county, through Dillsburg to Dover, in York county.

Duty of commissioners.

SECTION 3. That it shall be the duty of the said commissioners, or a majority of them, after taking an oath or affirmation before a justice of

the peace, to perform the duties enjoined upon them by this act, with impartiality and fidelity, to carefully view the ground over which the said road may pass, and lay out the same, as near in a straight line between the aforesaid points, as the nature of the ground will permit of.

SECTION 4. That it shall be the duty of the commissioners, plainly and distinctly, to mark upon the ground the route agreed upon for the road aforesaid, in such manner, as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners are hereby authorized to employ a surveyor, two chain bearers, and one axeman. Mark route.
Surveyor.

SECTION 5. That it shall be the duty of the commissioners to make out a plain and accurate draft of the location of said road, noting thereon, the courses and distances from point to point, as they occur, the improvements passed through, and also, the crossing of county and township lines, roads and waters; one copy thereof shall be deposited in the office of the secretary of the commonwealth, on or before the fourth day of July next, and one copy in the office of the clerk of the court of quarter sessions, of the respective counties aforesaid, on the day aforesaid, or as much sooner as practicable, which shall be a record thereof; and from thenceforth, the road shall be, to all intents, a public highway, and subject only to the action of the legislature for alteration or amendments. Draft.

SECTION 6. That each of the said commissioners shall receive the sum of one dollar and fifty cents, for each day he shall be necessarily employed in said work, together with a reasonable allowance for a surveyor, and a per diem allowance, not exceeding seventy-five cents, for chain carriers and axeman; and the accounts of the said commissioners, for their own pay, and the pay of their hands as aforesaid, shall be adjusted and allowed by the commissioners of the respective counties through which the road passes, and paid by the treasurers thereof, on warrants drawn in the usual way, and in the following proportions:—York county paying two-thirds, and Cumberland county paying one-third. Pay.

SECTION 7. That in case of death, resignation, or disqualification of either of the aforesaid commissioners, the court of quarter sessions, in the county where the vacancy may occur, shall fill any such vacancy. Vacancy.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 139.

A SUPPLEMENT

To "An Act authorizing the governor to incorporate the Lackawanna and Susquehanna railroad company."

Extension of
charter.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for carrying into effect the objects of the charter of the Lackawanna and Susquehanna railroad company, shall be extended for ten years, from the eleventh day of March, one thousand eight hundred and forty-six; and so much of any law as is altered or supplied, be and the same is hereby repealed: *Provided,* That John Vaugh, Norval D. Green, Sanford Grant and William Sweetland, of Luzerne county, be and the same are hereby appointed commissioners to act in conjunction with those appointed under the first section to which this is a supplement, and subject to the same provisions named in said act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 140.

AN ACT

Relative to taxing dogs in certain townships in the county of Chester.

Repeal.

Dog tax, how
collected.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of January, one thousand eight hundred and forty-six, the several acts of assembly of this commonwealth, relative to taxing dogs in the county of Chester, be and the same are hereby repealed, so far as they extend to the townships of East and West Marlborough, and West Bradford.

SECTION 2. The provisions of the fifteenth, sixteenth, and seventeenth sections of an act, entitled "An Act to incorporate the Luzerne county mutual insurance company, and for other purposes," approved the twenty-seventh day of May, A. D. one thousand eight hundred and

forty, be and the same are hereby extended to the aforesaid townships: *Provided*, That the collectors of the townships aforesaid, shall pay to the supervisors of the same, all moneys collected by them, as directed by the fifteenth section of the act aforesaid, on or before the first day of February, one thousand eight hundred and forty-six: *And provided further*. That the auditors of the townships aforesaid, shall meet on the first Monday of March, one thousand eight hundred and forty-six, to perform the duties required of them by the sixteenth section of the aforesaid act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 141.

A N A C T

To amend the charter of the trustees of the Fire association of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the trustees of the Fire association of Philadelphia, shall deduct from Dividends. the first, and all subsequent dividends to be made by said association, for the benefit of the several companies composing the same, a sum not greater than ten per cent. on all such dividends; which said sum so deducted, shall form and constitute a contingent fund, for the purpose of insuring to said companies a regular annual dividend: *Provided always*, That the said contingent fund, formed as aforesaid, shall at no time exceed ten thousand dollars.

SECTION 2. That all and every provision in the said charter, inconsistent with the above section, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-second day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 142.

A SUPPLEMENT

To the act, entitled "An Act to incorporate the Allen and East Pennsborough Mutual fire insurance company, of Cumberland county."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Allen and East Pennsborough mutual fire insurance company, of Cumberland county, be and it is hereby permitted to extend its operations to the county of Dauphin, in addition to those of Cumberland and York.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 143.

AN ACT

Authorizing the school directors of Tell township school district, in the county of Huntingdon, to draw on the treasurer of said district for a certain amount of money, and for other purposes.

Preamble.

WHEREAS, The board of school directors of the Tell township school district, in the county of Huntingdon, were under the necessity of employing counsel to prosecute a criminal cause at the April term of one thousand eight hundred and forty-four, in the court of quarter sessions of said county of Huntingdon, against certain individuals for the burning of two school houses in said school district, which individuals were by the aid and assistance of said counsel prosecuted to conviction:

AND WHEREAS, Said school directors did, in their own individual capacity, give their note to said counsel for the sum of sixty dollars, bearing interest; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said school directors of said school district, are hereby authorized to

draw their order on the treasurer of said district, in favor of said counsel, for the amount of their said fees in said prosecution, together with the interest that may be due on their note to said counsel.

SECTION 2. That an act entitled "A Supplement to an act, entitled Chester county 'An Act relating to common schools in West Chester and Schuylkill schools townships, Chester county,' and for other purposes," approved the seventeenth of March, one thousand eight hundred and forty-five, shall not be so construed as to extend the provisions of the fifth and seventh sections of said supplement, to the township of Pennsbury, in the county of Chester. Pennsbury township.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 144.

A N A C T

Relative to the estate of Ann Hood, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Carstair and Jacob B. Clement, trustees under the will of Ann Hood, late of the city of Philadelphia, deceased, be and they are hereby authorized to dispose of, at public or private sale, as they may deem best, all the real estate conveyed to them in trust, by two several deeds, dated the sixth day of January, Anno Domini, one thousand eight hundred and forty-two, one recorded at Philadelphia, in deed book G. S., number thirty-three, page seven hundred and nineteen, and the other in Schuylkill county, in deed book number twenty, page one hundred and sixty-six, &c., and make full, complete and valid titles thereto, to the purchaser thereof, free, and discharged from all accountability, as to the appropriation of the purchase money: *Provided nevertheless,* That the proceeds of such sales shall be held by the said trustees, and invested by them in the mode directed by the will of the said Ann Hood, deceased, and subject to the limitations and trusts therein made and appointed. Trustees to sell real estate. Proviso.

SECTION 2. The said trustees are required, before executing the Bond. authority given by this act, to execute a bond to the commonwealth of Pennsylvania, for the use of all persons interested in such sum, and with such security as shall be approved by the orphans' court of Phila-

LAWS OF PENNSYLVANIA,

delphia county, with condition for the faithful discharge of all the duties imposed by the provisions of the foregoing section.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 145.

A N A C T

Providing for the sale of unseated lands in the county of Northumberland.

Preamble. WHEREAS, 'The sale of unseated lands for taxes in the county of Northumberland, by the treasurer thereof, on the second Monday of June, one thousand eight hundred and forty-four, was postponed on account of a defect in the notice of the sale, and no sale of said lands has been held for upwards of four years ; therefore,

Duty of treasurer. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the treasurer of the county of Northumberland is hereby authorized and directed to commence, on the second Monday of June, one thousand eight hundred and forty-five, and adjourn from day to day, if necessary, and make sale of the whole or any part of such tracts of unseated lands, situate in the said county, as will pay the arrearages of the taxes due and unpaid thereon on the second Monday of June, one thousand eight hundred and forty-four, agreeably to the provisions of existing laws upon the subject.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 146.

A N A C T

Extending the time of holding the courts of common pleas in Erie and Crawford counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there shall be holden in the county of Erie, courts of common pleas, Erie county courts. commencing on the last Mondays of January, April and October, in each year, each of which shall continue one week if the business therein shall require it, which shall be in addition to the several courts or terms required to be holden in said county, by laws heretofore enacted and now existing, and the several return days of said court shall remain as heretofore; and the first of said additional courts, shall be holden on the last Monday of October next; and the said court may direct the number of jurors, not less than twenty-eight nor more than forty-eight, which shall be summoned to attend at any court of said county.

SECTION 2. The court of common pleas of Crawford county, for the Crawford county February, April, and November terms of each year, shall continue two courts. weeks, if the business therein shall require it; and the court of quarter sessions shall be holden on the first week of each term; and the April term of said court shall commence the first Monday of April; and the term of April, for the county of Venango, shall commence on the third Monday of April, of each year; and adjourned courts shall be holden in said counties, whenever the same shall be necessary for the despatch of business; and the aforesaid courts shall be subject to the provisions of the act relative to the organization of courts of justice, passed the fourteenth day of April, eighteen hundred and thirty-four, excepting so far as the same is hereby altered: *Provided*, That the provisions of this section shall not take effect until after the first Monday of May, eighteen hundred and forty-five.

SECTION 3. It shall be the duty of the prothonotaries of the counties Prothonotaries of of Erie and Crawford, respectively, to have every list of causes for trial Erie and Crawford counties. at any court of the respective county, published in two or more newspapers printed in such county, at least four weeks before the commencement of the court at which such cause shall be for trial, which publications shall be continued three consecutive weeks; and for defraying reasonable charges of such publications, it shall be lawful for the prothonotary to apportion the same equally among the several causes so published, and tax in each case the amount of its apportionment, which shall be recovered as other costs of the case, and applied by the prothonotary in payment of such publication: *Provided*, That the amount taxed for one such publication in any case, shall not exceed twenty cents: *And provided*, That the proper court shall have power to dis-

pense with such publications, if for any cause it shall appear just and expedient so to do.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
 WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 147.

AN ACT

To prevent the destruction of trout in the Letart Spring, and for the preservation of the same, in Cumberland county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* if any person shall fish for, or wilfully catch or kill trout in the Letart spring, in the county of Cumberland, from the first day of September to the first day of May, in each and every year, or a non-proprietor at any other time, without the consent of the owner, he shall forfeit and pay the sum of five dollars for every such offence.

Penalty.

SECTION 2. If any person shall enter into, and upon the premises of any owner of land, on the said Letart spring at night, for the purpose of fishing in said Letart spring, in said county, with lights and torches, without the consent of the owners of such land first had and obtained, he shall forfeit and pay the sum of five dollars for every such offence.

Penalty.

SECTION 3. If any person shall enter into, and upon the premises of any owner of land, on the said Letart spring, at any time of the year, for the purpose of fishing in said Letart spring, in said county, with seines or nets of any description, shall forfeit and pay the sum of ten dollars for every such offence.

Penalty.

SECTION 4. That the provisions of the resolution, passed the eighteenth day of April, eighteen hundred and forty-four, entitled "A resolution relative to the destruction of fish in certain streams in Greene and Crawford counties, are hereby extended to George's creek, in Fayette county."

SECTION 5. That from the first day of February to the first day of October, in each year hereafter, it shall not be lawful for any person to shoot, trap, kill, or destroy any wild turkey, pheasant, partridge or rabbit, in the county of Cumberland, under the penalty of five dollars for each and every offence.

Game in Cumberland county.

SECTION 6. That from the first day of February to the first day of July, in each year hereafter, it shall not be lawful for any person to shoot, kill, or destroy any woodcock in the county aforesaid, under the penalty of five dollars for every such offence.

Woodcock.

SECTION 7. Any person offending against any of the provisions of Penalty. this act, shall forfeit and pay the sum or penalty attached to the same, with all cost and charges, which may be recovered by suit, before any justice of the peace in and for said county; the one-half of the fine to go to the use of the informer, and the other half to the supervisors, for the benefit of the public highways, in the township in which the offence may be committed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 148.

A N A C T

Conferring certain powers on the guardians of Samuel H. Keller and Richard L. Ewalt, minors, and for other purposes.

WHEREAS, It appears by petitions from the guardians of Samuel H. Keller and Richard L. Ewalt, of Allegheny county, that a private road has recently been laid out by order of court, through the lands of said minors, to the Allegheny cemetery, which road is limited by law to the width of twenty-five feet: Preamble.

And whereas, It is represented that a wider road, and one perhaps differently located, would better serve the purposes of the cemetery, without material prejudice to the estate of the minors, and that an arrangement, greatly advantageous to both parties, might be made, if a power existed to effect a sale; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said guardians for their several wards, or their successors in office, are hereby authorized and empowered to sell to said cemetery, a road not exceeding fifty feet in width, by such route as may be agreed upon, without detriment in their judgments, to the estates under their charge respectively. Sale of real estate.

SECTION 2. That James B. Irwin, trustee of John D. Mahon, and Agnes M., his wife, late Agnes M. Rose, under a certain marriage settlement, executed by the said John D. Mahon and Agnes M. Rose, on the fifteenth day of January, one thousand eight hundred and thirty-three, be and he is hereby authorized to borrow, with the written approbation and assent of said John D. Mahon and wife, under their hands and seals, duly acknowledged on mortgage of any part of the trust estate, any sum or sums of money, not exceeding three thousand dollars, and re-invest Trustee of John D. Mahon and wife, to borrow money.

the same for the use of said trust estate, by the purchase of any part of the share of the estate of Erin Hill, formerly owned by W. W. Irwin, and purchased at sheriff's sale, by William Arthurs and — Ewalt: *Provided*, That before such loan and mortgage be made, the trustee shall give bond to the commonwealth, for the use of the persons interested, in such penalty, and with such securities, as the court of common pleas of Allegheny county shall approve, for the faithful appropriation of the money so borrowed.

Bond.

Samuel Becker
authorized to sell
real estate of
Henry Schram.

Proviso.

SECTION 3. That Samuel Becker, of Mill Creek township, Lebanon county, be and he is hereby authorized to sell, at public sale, and to convey in fee simple, all the right, title and interest of Henry Schram, late of Heidelberg township, in said county, deceased, at the time of his death, of, in and to any lands, tenements or hereditaments, situate within the said county of Lebanon; and to make and execute to the purchaser or purchasers thereof, good and sufficient conveyances and assurances in law for the same, which said conveyances and assurances shall vest in such purchaser or purchasers, all the estate, right, title and interest in law and equity, which the said Henry Schram, at, and immediately before his death had, and held in the same, as fully and completely, and with like effect, as if the said conveyances and assurances had been made and executed by the said Henry Schram, in his lifetime: *Provided*, That before any deed of conveyance shall be executed for the same, the said Samuel Becker shall file in the office of the clerk of the orphans' court of the said county, a bond, in the usual form, with sufficient security, to be approved by the said court, for the faithful appropriation of the proceeds of such sale, in such manner as the said court shall direct.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 149.

AN ACT

Authorizing the sale and conveyance of certain real estate.

WHEREAS, By a certain deed of indenture dated March thirteenth, Anno Domini one thousand eight hundred and thirty-five, recorded in the office for recording deeds, for the city and county of Philadelphia, in deed book A M, number sixty-five, page six, &c., between John James, of East Bradford township, Chester county, and state of Pennsylvania, and Rachael P. James, his wife, of the one part, and David Townsend, of the borough of West Chester, and state aforesaid, of the other part, the following real estate, to wit: All that certain three storied brick messuage and lot or piece of ground situate on the west side of Delaware Fifth street, between Sassafras street and Cherry street, in the city of Philadelphia, containing in front or breadth on the said Fifth street, twenty feet, and in length or depth, eighty feet, bounded eastward by the said Fifth street, northward by a messuage and ground of Andrew D. Cash, westward by a certain ten feet wide alley, extending from Sassafras street to Cherry street, and southward by a messuage and ground now or late of James Stokes, together with the free use and privilege of the said ten feet wide alley, with the appurtenances, was sold and conveyed to the said David Townsend, "in trust nevertheless to and for the use of the said John James and Rachael P., his wife, for and during their joint lives, and the life of the survivor; and in the event of their leaving at their death, heirs of the body of the said Rachael, by said John begotten, then to them and their heirs forever, in fee simple; and in default of such joint heirs living at their death, then to the said John James, and his right heirs, forever, in fee simple," in trust nevertheless, as their portion truly recited and set forth, reference being thereto had, will more fully appear.

And whereas, The said John James and Rachael P., his wife, have but one child, now aged about ten years, a son, and it is considered highly desirable to sell the said real estate, and invest the proceeds in the purchase of a farm subject to the same trusts, limitations, and conditions set forth in the before recited deed; and doubts have arisen as to the capacity of the parties to the same, to make a good title.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the said David Townsend, trustee as aforesaid, with the assent of the said John James and Rachael P., his wife, to be expressed by their joining in the deed, to sell and convey the said real estate at public or private sale, for the best price that can be obtained for the same, and to make a good and sufficient title to the purchaser; the proceeds of such sale to be received by the said David Townsend, trustee as aforesaid, and by him re-invested in the purchase of a farm or such other real estate as may be deemed most beneficial for the objects of the trust, subject to the same trusts, conditions and limitations, with those contained in the before recited deed, and without any liability on the part of the purchaser or purchasers, in respect to the application of the purchase money or any part thereof, after the payment

Trustee of John James and wife, That to sell real estate.

Proviso.

Bond.

Rose W. Good-
rich to sell real
estate.

of the same to the said trustee: *Provided*, That it shall be the duty of the said trustee before he executes the authority herein given, to give security in such form and amount, as the court of common pleas of Chester county may direct and approve, with condition for the faithful performance of his duties, and the appropriation of the proceeds of sales, as directed by the provisions of this act.

SECTION 2. That Rose W. Goodrich, late Rose W. Cross, to whom was devised by the last will and testament of Henry Cross, late of the borough of Harrisburg, deceased, the one-half part of lot number fifteen, in the general plan of said borough, is hereby authorized, joining with her husband, E. S. Goodrich, and with the consent of James W. Weir, one of the executors, which may be signified by his attesting the deed, shall have full power to sell at public or private sale, and make a title therefor, in fee simple, all of said half lot of ground, with the appurtenances; and the deed so made shall be good and valid for the purposes aforesaid, notwithstanding the assent of both the executors of said decedent may not be obtained.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 150.

AN ACT

To annul the marriage contract between Lavinia L. Thompson and Charles Thompson, her husband.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the marriage contract entered into between the said Lavinia L. Thompson and Charles Thompson, her husband, be and the same is hereby declared null and void, and the parties discharged from all obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 151.

AN ACT

To enable "the president and managers of the Kensington and Oxford turnpike road company" to borrow money on mortgage, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* "the president and managers of the Kensington and Oxford turnpike road company," shall have full power and authority to borrow any sum or sums of money, not exceeding ten thousand dollars, which may be necessary to enable them to complete their road, and enjoy the full benefit of the privileges conferred upon them by the act of assembly authorizing their incorporation; any such loan to be upon such terms and conditions as the said corporation may deem fit, with power, also, to pledge and mortgage, as security for any such loan or loans, their said road, and all and any of their property, real and personal, together with all their rights, powers, privileges and franchises; and any sale or sales, under any judicial process, to enforce any such pledge or mortgage, shall pass to and vest in the vendee or vendees, whatever property, rights, powers, privileges and franchises, may have been pledged or mortgaged, under any such pledge or mortgage, as last aforesaid. \$10,000.

SECTION 2. That the stockholders of the New Alexandria and Conemaugh turnpike road company, shall, on the first Monday in June next, and on the first Monday in January, one thousand eight hundred and forty-six, and on the first Monday in January annually thereafter, meet at the house now occupied by Jacob Alter, in Westmoreland county, and then and there elect three persons, who shall audit and settle the annual account of the sequestrator of said road, after being first duly sworn or affirmed; and said auditors shall make report of their audit and settlement of said account, to the court of common pleas of Westmoreland county, which settlement of the accounts of the said sequestrator shall be final, unless appealed from by the said sequestrator, in the mode prescribed by law for appealing from the settlement made by county auditors, and he shall be entitled to an appeal in said mode; and the said auditors shall be entitled to receive one dollar per day, for each and every day spent in auditing the account of the said sequestrator, to be paid out of the funds of the said road, in his hands; and the said auditors shall meet at the stone tavern, in New Alexandria, in Westmoreland county, on the last Friday in December next, and on the last Friday in December annually thereafter, to discharge the duties hereby imposed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 152.

A FURTHER SUPPLEMENT

To "An Act authorizing the governer to incorporate the Bear Mountain railroad company, and for other purposes," passed on the thirteenth July, one thousand eight hundred and forty-two.

Damages.

Appeals, &c.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases of the assessments of damages due or that may become due the owners of real estate through which the Bear Mountain railroad company shall locate their railroad, the owners of the said real estate or company, if dissatisfied with the report of the viewers, shall have a right to appeal from the award of the said viewers, within twenty days after the confirmation of the same by the court, on complying with the provisions of the act of assembly of the sixteenth June, one thousand eight hundred and thirty-six, entitled "An Act relating to reference and arbitration;" and said appeals shall be afterwards tried by a jury, as in other causes, whenever appeals have been entered: *Provided,* That this act shall not apply to any case in which the right of way has been released, or where an agreement in relation to damages or compensation has been entered into between the parties.

SECTION 2. The said company are hereby authorized to receive, in payment of subscriptions of stock, land and personal property, and the same to sell, alien and dispose of, or hold, use and enjoy, to them, their successors and assigns, in such way and manner as to aid in the construction, maintaining or adding to the business of their said road.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 153.

A N A C T

Authorizing Alexander Thompson, committee of William Liggitt, a lunatic, to sell and convey certain real estate, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Alexander Thompson, of Beaver county, committee of William Liggitt, a lunatic, be and he is hereby authorized to sell, and by a sufficient deed in law, to convey to the purchaser or purchasers, in fee simple, all the right, title and interest of the said William Liggitt, of, in and to a certain tract of land situate in Pike township, in the county of Clearfield, bounded by the Susquehanna river, lands of Thomas R. M'Clure, William Holden, William Hepburn, and others, containing about three hundred and ninety acres: *Provided,* That before such sale and conveyance shall be made, that the said Alexander Thompson shall give a bond in such penalty, and with such sureties, as shall be adjudged necessary by the court of common pleas of said county of Beaver, for the faithful application of the proceeds of said sale, for the benefit of said lunatic.

Committee of
Wm. Liggitt, to
sell real estate.

SECTION 2. That Armstrong Porter and David E. Porter, of Fayette county, are hereby authorized and empowered to convey by deed, in fee simple, unto John M'Cormick, trustee of the Hopewell congregation of the Cumberland Presbyterian church, in Fayette county, all the right, title, interest and claim of the heirs of Louisa Porter and Jane Porter, deceased, in and to a lot of ground situate in Luzerne township, in said county, containing one acre, sold, and agreed to be conveyed by the said decedents, during their lifetime, to the said congregation of the Cumberland Presbyterian church.

A. Porter and D.
E. Porter, to sell
real estate.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 154.

AN ACT

To change the name of certain volunteer companies.

Name of Keystone Riflemen, changed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the rifle company of the county of Bucks, called the "Keystone Riflemen," shall be and is hereby changed into an artillery corps, to be called the "Diller Artillerists:" *Provided,* That all acts done under the former name of "Keystone Riflemen," shall not be affected in any manner by this act: *And provided further,* That the said corps shall enjoy all the advantages in point of date or age of company and officers, as if this act had not been passed.

Peters' Creek Rangers, changed.

SECTION 2. That the rifle company of the county of Allegheny, called the "Peters' Creek Rangers," be and the same is hereby changed into an infantry corps, to be called the "Jefferson Guards:" *Provided,* That acts done under the former name of Peters' Creek Rangers, shall not be affected in any manner by this act: *And provided further,* That the said corps shall enjoy all the advantages in point of date or age of company, as if this act had not been passed.

Washington Guards, changed.

SECTION 3. That the style and title of a certain volunteer company attached to the third brigade, eleventh division, Pennsylvania militia, now called the "Washington Guards," be and the same is hereby changed to "Washington Artillery:" *Provided,* That the said corps shall enjoy all the advantages in point of date or age of company, as if this act had not been passed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 155.

AN ACT

Authorizing the board of canal commissioners to examine the claim of Elizabeth Millard, for alleged damage done to her property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be, and they are hereby authorized and directed to examine, by the inspection of at least one of their number, the claim of Elizabeth Millard, for alleged damage done to her farm by the construction of the North Branch division of the Pennsylvania canal, and adjust the same upon principles of equity and justice, taking into consideration, in their estimate of damage, all the advantage resulting to the said property from the location and construction of the said canal, and report their proceedings and decision to the next legislature.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 156.

A SUPPLEMENT

To the act, entitled "An Act to convey certain real estate, and for other purposes," approved the thirteenth April, eighteen hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the due proportion of the expenses incurred by the county of Union, Union county, in all causes removed for trial thereto, under the ninth section of the act costs, &c. to which this is a supplement, shall be reimbursed to the said county of Union, by the counties, in their proper proportions, from which said causes were removed for trial; and it shall be the duty of the judges of the court of common pleas of Union county, to tax and assess the

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amount payable by each county, upon ten days notice to the commissioners of the counties to be effected thereby.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 157.

A N A C T

Altering the return day of writs of venire for the trial of issues of fact, in Delaware county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, every writ of venire for the trial of issues of fact, in the several courts of Delaware county, as well as subpoenas for witnesses to testify on the trial of such issues, shall be made returnable on Tuesday of the weeks on which the regular terms of such courts are holden, and not on Monday, as heretofore.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 158.

A N A C T

Authorizing the state treasurer to allow certain credits to collectors of tolls and county treasurers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized to credit to the several county treasurers and collectors of tolls, in the settlement of their accounts, so much of the amount stated in his communication to the senate, dated the fourteenth day of February, one thousand eight hundred and forty-four, as consists of notes purporting to have been issued by the Towanda Bank, under the act of the fourth of May, eighteen hundred and forty-one, and of depreciated issues of the United States, Towanda Bank relief notes. West Branch and Towanda Banks: *Provided,* That such allowance *Proviso.* shall be restricted to the sums specified in said communication, and that the state treasurer, before making such allowance, shall be fully satisfied by affidavit, or other proof, that each of said notes was bona fide received by such collector or county treasurer in payment of dues to the commonwealth, before he had any knowledge of any fraudulent issues, or that the bank had failed, as the case may be: *And provided also,* That *Proviso.* no such credits shall be allowed as aforesaid, to any county treasurer or collector of tolls, unless such treasurer or collector, or his or their sureties, or any of them, shall, at the same time, pay into the treasury in full, all and any balance or balances due by him or them to the commonwealth.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 159.

AN ACT

To incorporate the village of Pleasant Mount, in the county of Wayne, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the village of Pleasant Mount, in the county of Wayne, shall be and the same is hereby erected into a borough, which shall be called "The borough of Pleasant Mount," and shall be bounded and limited as follows: Beginning at a rock in and above the surface of the ground, about six rods southwesterly from the dwelling house of John Crater; thence north five degrees east, crossing Cochection and Great Bend turnpike road three hundred perches; thence east five degrees south three hundred perches; thence south five degrees west three hundred perches; thence west five degrees north three hundred perches, to the place of beginning.

Name.

Boundaries.

SECTION 2. That the inhabitants of said borough, qualified to vote for members of the general assembly shall, on the second Friday of July next, and on the third Friday in February, in every year thereafter, meet at the school house in said borough, and then and there, between the hours of one and six o'clock in the afternoon, elect by ballot one citizen, who shall be styled the burgess of said borough, and four other citizens to be members of the town council; and at the first election, three school directors—one to serve for one year, one for two years, and one for three years—and thereafter one school director annually; and one person to be constable of said borough, whose names shall be returned to the next court of quarter sessions, in the like manner as persons elected township constables; the said inhabitants shall also at the same time and place, elect one justice of the peace, judge and inspector of elections, and assessors, agreeable to the laws of this commonwealth; the said election shall be conducted in the same manner as is provided for the election of township officers of this commonwealth, except that the certificates of the election of burgess, and town council, and school directors, shall be filed among the records of the corporation: *Provided.* That the first election under this act be held by a judge and inspector to be chosen by the inhabitants present at the opening of the election by the constable of the township of Mount Pleasant, who is hereby required to attend at the said school house on the second Friday of July next, at one o'clock P. M., for that purpose, and to give at least ten days' previous notice of said election; and in case of the said constable's neglect or inability to give said notice and attendance, then either one of the supervisors of the township of Mount Pleasant is hereby authorized to act in said constable's stead.

Annual election.

Officers.

Proviso.

SECTION 3. That from and after the second Friday of July next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name, style and title, of the burgess and town council of the borough of Pleasant Mount, and shall

Name.

have, possess and enjoy, all the rights, liberties, franchises and privileges of a borough, incorporated in pursuance of the act passed first of April, one thousand eight hundred and thirty-four, entitled "An Act to provide for the incorporation of boroughs;" and the several provisions of said act, so far as the same are not inconsistent with this act, shall extend to and be in force within said borough, as fully as though said borough had been incorporated agreeably to the provisions thereof.

SECTION 4. The burgess and town council of said borough shall have the care of the poor of said borough; and all the powers and duties of overseers of the poor shall be exercised and performed in such manner, and by such persons, as they may ordain.

SECTION 5. The constable of said borough shall perform the duties of high constable therein, until otherwise provided; the burgess and town council may authorize the election or appointment of a high constable, if they shall deem it expedient; the first election of justices under this act shall be on the second Friday in July next.

SECTION 6. The school directors elected under this act shall perform the same duties, and have the like powers, in all respects, as school directors elected agreeable to the general laws of this commonwealth.

SECTION 7. The said borough shall be a separate election district, and the electors thereof shall hold their borough and general elections in the school house in said borough.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 160.

AN ACT

Relative to pawn-brokers in the township of Moyamensing.

License.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That no person or persons shall exercise, or carry on the trade or business of a pawn-broker in the township of Moyamensing, in the county of Philadelphia, without having first obtained a license for that purpose from the board of commissioners of the said township, in the manner now provided for, or which may at any time hereafter be provided for, by the laws and ordinances of said township.

Bond.

SECTION 2. Each and every person or persons, who shall be authorized by license as aforesaid, shall, at the time of receiving such license, enter with two sufficient sureties into a joint and several bond, in the penal sum of five hundred dollars, conditioned for the faithful observance of such laws and ordinances, as the board of commissioners of the said township have enacted, or may hereafter enact, for the purpose of regulating the business of pawn-broking within the said township.

Penalty.

SECTION 3. Any person who shall be engaged in, or shall carry on the business of a pawn-broker in the said township, without having first obtained a license as aforesaid, or who shall not comply with the ordinances aforesaid, shall be subject to such fines and penalties as the said board of commissioners may have imposed, or shall hereafter impose, which said fines and penalties shall be levied and collected upon summons issued by any alderman or justice of the peace in the said county, whose decision shall be final and conclusive.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 161.

AN ACT

To extend the charter of the Harrisburg Savings Institution, and to change the name to Dauphin Deposit Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Harrisburg Savings Institution shall be, and the same is hereby extended for the term of ten years from the expiration of the present charter; and the corporate name and style thereof shall be hereafter the Dauphin Deposit Bank, which shall be subject to all the provisions of the act, entitled "An Act to incorporate the Harrisburg Savings Institution," approved the fourteenth day of April, eighteen hundred and thirty-four, and also to all the provisions now imposed upon the said institution by the existing laws of this commonwealth. Charter extended.

SECTION 2. The legislature hereby reserves the power to alter, revoke or annul the charter of the said Dauphin Deposit Bank, whenever in their opinion it may be injurious to the citizens of the commonwealth; in such manner, however, that no injustice shall be done to the corporators of the said institution. Repeal.

SECTION 3. In all cases where judgments have heretofore been obtained by, or bonds, notes or engagements made to the Harrisburg Savings Institution, it shall be lawful to enforce and proceed to collect the same in the name of the Harrisburg Savings Institution, for the use of said bank. Collection of debts, &c.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 162.

AN ACT

To incorporate the German Reformed congregation of the borough of Lebanon, and its vicinity.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the German Reformed congregation of the borough of Lebanon and its vicinity, be and the same are hereby created and erected into one body politic and corporate in deed and in law, by the name, style and title of "the German Reformed congregation of the borough of Lebanon and its vicinity," and by the same name shall have perpetual succession; and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, and shall be able and capable in law, and in equity, to take, purchase, hold and receive, to them and their successors, in trust for, and to the use of the said congregation, lands, tenements, goods and chattels, of whatsoever kind, nature or quality, real, personal or mixed, which are now, or shall, or may at any time hereafter become the property of the said congregation, or body corporate, by purchase, gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, improve or dispose of, for the use of the said congregation, as may be directed by a majority of such persons as are qualified to vote by the fourth section of this act, that may be present at a meeting to be held for that purpose; and generally adopt all such matters and things, as may be lawful to be done for the well being and due management of the said church and congregation, of which said meeting, at least two weeks notice shall be given from the pulpit, or in any public manner the trustees, or a majority of them, shall direct: *Provided,* That the yearly value or income of the said estates shall not, at any time, exceed three thousand dollars.

SECTION 2. The business of the said corporation shall be conducted by five trustees, of whom three shall be a quorum, who shall choose from among their number, a president and a secretary, and appoint a treasurer, who shall receive and account for all moneys coming into his hands belonging to the corporation, and who shall, if required by the trustees, give security for the faithful performance of the trust reposed in him, and shall have his accounts annually settled by the trustees, to be laid before, and approved of by the congregation, at their annual election of trustees, and may appoint such other officers as the said trustees, or a majority of them may, from time to time, deem necessary for the better government of the secular affairs of the said congregation; but no compensation shall be allowed to such officers, unless sanctioned by a majority of the members of the congregation entitled to vote, agreeably to the fourth section of this act, present, at a meeting thereof.

SECTION 3. The following named persons shall be trustees, until others are, or shall be elected as is hereinafter provided, viz:—Jacob Arndt, Leonard Greenawalt, Christopher Riechert, Philip Shaalk, senior, and John W. Gloninger, to continue in office until the first day of January, Anno Domini, one thousand eight hundred and forty-six, on

Name.

Powers and privileges.

Proviso.

Quorum.

Officers.

Trustees.

which day, except when it occurs on the Sabbath, and then on the succeeding day, the male members of the said congregation, qualified to vote by the fourth section of this act, shall elect five persons to serve as trustees, one of whom shall serve five years, one four years, one three years, one two years, and one for one year; the term of service to be designated by the electors, on their ballots, and their places respectively shall be supplied at the annual election, to be held for that purpose, on that day in every year thereafter, by the election of one person to serve for five years: *Provided*, No person shall be eligible as a trustee, unless he is a citizen of this commonwealth, and is a member of the German Reformed church by confirmation, according to the constitution of the synod of the German Reformed church in the United States, or by having been publicly admitted to membership, and who shall have paid his contribution towards the discharge of the annual expenses of the congregation according to his ability, within one year: *And provided further*, If the congregation neglect, on the day of the annual election, to hold their election as is herein directed, the said corporation shall not be dissolved; but a majority of the trustees remaining in office may appoint any subsequent time, not exceeding one month, at which the election may be held to supply said vacancies, or such as may occur by death or otherwise, the time and place of which, at least two weeks notice to the congregation shall be given, by announcement from the pulpit, or in any other public manner a majority of the remaining trustees may direct: *And provided further*, In case the trustees shall neglect or refuse to call meetings, or hold elections as is directed in this act, then ten members entitled to vote, agreeably to the fourth section of this act, may call such meetings for the transaction of business stated, or for the purpose of holding such elections, by giving two weeks notice of the time and place thereof, except in the dismissal of the pastor, or any officer, when twenty members by confirmation, according to the constitution of the synod of the German Reformed church in the United States, or by having been publicly admitted to membership, and who shall have respectively contributed towards the discharge of the annual expenses of the congregation, according to their ability, within one year, shall be necessary to call a meeting for that purpose.

Annual election.

Proviso.

Notice of election.

Proviso.

Membership.

SECTION 4. Any male member of the said congregation by confirmation, according to the constitution of the synod of the German Reformed church in the United States, or by having been publicly admitted to membership, or any contributing member, who is not a member of another congregation, and who shall have paid towards the discharge of the yearly expenses of the congregation, according to his ability, within one year, and no others, shall be entitled to vote at the elections or meetings of the said congregation; of all which elections, at least two weeks notice shall be given by announcement from the pulpit, or in any other public manner a majority of the trustees may direct, except such meetings or elections as are otherwise provided for in this act.

SECTION 5. The consistory shall be composed of the pastor, for the time being, four elders and four deacons, of whom two elders and two deacons to serve two years, shall be elected at the annual election to be held by the corporation, on the first day of January in every year, except when it occurs on the Sabbath, and then on the succeeding day, and of whom five shall be a quorum, who shall choose from among their number, a president and a secretary: *Provided*, That in case of vacancy by death or otherwise, among the elders or deacons, a majority of the male members of the congregation present, at a meeting to be convened for the purpose by the trustees, agreeably to the fourth section of this act, may elect a person or persons to supply the same, until the

Consistory.

Proviso.

Vacancy.

Proviso.

next election : *Provided further*, That no one shall be elected an elder or deacon, who is not a confirmed member of the German Reformed church, or who has not been publicly admitted to membership; and such members only, as are qualified to vote for pastor, agreeably to the sixth section of this act, shall be entitled to vote for elders and deacons : *And provided further*, That the present elders and deacons shall continue in office for the time for which they were elected.

Pastor.

SECTION 6. The pastor of the congregation who must be a member of the synod of the German Reformed church in the United States, shall be invited by the consistory or a majority of them, or upon their neglect or refusal, by a majority of the male members qualified to vote for pastor, who may be present at a meeting to be held for that purpose, notice of the time and place of which, not exceeding two weeks, shall be given; and the pastor shall be elected by a majority of the male members, by confirmation, according to the constitution of the synod of the German Reformed church in the United States, or by having been publicly admitted to membership, and who shall have respectively contributed within one year, according to their ability, towards the annual expenses of the congregation, and may be present at a meeting to be held for that purpose, after two weeks' notice given as directed in the fourth section of this act: *And it is provided*, That the Bible and Heidelberg Catechism, or an extract from it, authorized by the synod of the German Reformed church in the United States, shall be used by the pastor in the instruction of the youth.

Proviso.

Discharged.

SECTION 7. The pastor of the congregation, or any officer thereof, may be discharged from his office by a majority of the male members by confirmation, according to the constitution of the synod of the German Reformed church in the United States, or by having been publicly admitted to membership, and who shall have respectively contributed within one year, according to their ability, towards the annual expenses of the congregation, and may be present at a meeting to be held for that purpose, and to be called by the consistory, upon the written request, stating the object and design to be for that purpose, of twenty members qualified as aforesaid; at which meeting, the vote shall be taken by ballot, by three members appointed by the members present entitled to vote, and two weeks' notice of the time and place of said meeting shall be given by announcement from the pulpit, or in any other public manner: *Provided*, In case of absence or neglect, or refusal of the consistory to call such meeting, then twenty members qualified as aforesaid, shall have the right to call the same, giving at least two weeks' public notice thereof.

Proviso.

Rules.

SECTION 8. The said trustees and their successors, or a majority of them, shall have power at all times, to adopt, alter, amend, and enforce such rules for the discipline of the members of the congregation, as shall be sanctioned by two-thirds of the members present, at a meeting to be held, of which two weeks' notice shall be given, agreeably to the directions of the fourth section of this act: *Provided*, That nothing contained in this act shall be so construed as to prevent the said trustees or their successors, from expelling any member, according to the constitution of the synod of the German Reformed church in the United States, and by such expulsion, depriving him or her, of all rights and privileges hereby granted.

Proviso.

By-laws.

SECTION 9. The said trustees and their successors, or a majority of them, shall have full power to enact and enforce such by-laws and ordinances for their own government, and for the regulation and transaction of the secular business of said corporation, as shall be sanctioned by a majority of the members of the congregation present, at a meeting to be

neld agreeably to the directions of the fourth section of this act; and to make, use, and have a common seal, and the same to break, alter, and Seal. renew at pleasure; and shall have power also to change the time of holding the general election, if the same shall be deemed advisable by a majority of the members qualified to vote, present at a meeting convened agreeably to the directions of the fourth section of this act: *Provided*, Proviso. That the said trustees or their successors, shall not contract any debt or debts exceeding twenty dollars, or in any wise incur the real estate Debts limited. belonging to the congregation, without the consent of a majority of the male members thereof entitled to vote as aforesaid, present at a meeting to be convened for the purpose, by the trustees or a majority of them, of the time and place, of which at least two weeks' notice shall be given by announcement from the pulpit, or in any other public manner: *Provided further*, Proviso. That the said rules and by-laws and ordinances, and all acts of the said trustees, framed, enacted and promulgated, shall not be contrary to this charter, nor to the constitution and laws of this commonwealth or of the United States.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 163.

AN ACT

To authorize the governor to incorporate a company to erect a bridge over the river Clarion, at or near Callensburg, in the county of Clarion.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Henry Alexander, Abraham Frampton, Frederick G. Crary, Samuel Commissioners. F. Dale, Samuel F. Plumer, Paul Neely, J. B. Reynolds and Alexander Wilson, senior, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: They shall, on or before the first day of April next, procure one or more books for taking subscription of stock, and shall write therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers and company, of the Callensburg bridge company, in the county of Clarion, the sum of twenty dollars for every share of stock in said company set opposite to our respective names, in such manner and proportions, and at such times and places as may be determined by the president and managers, in pursuance of an act of assembly, entitled 'An Act to authorize the governor to incorporate a company to erect a bridge over the river Clarion, at or near Callensburg, Form of subscrip- tion."

of which he or she may be a member, and not in trust for, and to the use and benefit of any other person: *Provided*, That no person shall be permitted to vote at any election, unless he or she shall have paid all the instalments called for and then due on their respective shares. Proviso.

SECTION 4. That the public meeting of the said stockholders shall be held annually, at such time and place as shall be fixed by the rules and by-laws of the said company, for the purpose of choosing officers for the ensuing year, and the transaction of such business as may come before them. Annual meetings.

SECTION 5. That the president and managers shall procure certificates of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation; and each stockholder shall be entitled to a certificate for each share by him subscribed or held, on paying to the treasurer in part the sum due thereon, six dollars on each share; which certificate shall be transferable, either by the owner in person, or by his attorney duly authorized, in the presence of the president or the treasurer for the time being, subject however to the payments due or growing due thereon; and the person to whom such transfer shall be made shall stand in the place of the former holder, and be entitled to the same privileges, and liable to the same responsibilities to the company. Certificates.
Transferable.

SECTION 6. That the president and managers shall meet at such times and places, and be convened in such manner as shall be prescribed by the by-laws; at which meetings two members shall form a quorum for the transaction of business, and shall keep minutes of all their transactions, and shall have full power and authority to agree with such engineers, superintendents, or other officers, as they shall think necessary for the erection or construction of said bridge; to fix their wages, or to make contracts for the erection of the same; they shall also determine the times, manner and proportions, in which the stockholders shall pay the money due on their respective shares; draw orders on the treasurer for the money necessary to pay wages and bills for work or materials, or on account of contract, which orders shall be signed by the president and attested by the secretary; and do and transact all such matters and things as by this act, or by the by-laws of the company, shall be committed to them. Quorum.
Engineers, &c.
Instalments.

SECTION 7. That if any stockholder, after thirty days' notice in one or more of the newspapers printed in said county, of the time and place for the payment of any instalment of said capital stock, shall neglect to pay such instalment at the time appointed, every such stockholder or his assignee shall, in addition to the proportion so called for, pay at the rate of three per cent. per month for every delay of such payment; and if the same and the additional payment shall remain unpaid for such a space of time that the accumulated penalties shall be equal to the sums before paid on account of such share, the same shall be forfeited to the company, and may, at the option of the managers, be sold for such amount as can be obtained therefor by any persons willing to buy the same; or said managers may sue for and recover the same before any justice of the peace, or before any court of competent jurisdiction. Penalty for neglect to pay instalments.

SECTION 8. That whenever it shall appear that the said bridge cannot be completed without extending the number of shares, the same shall be extended by said managers, so far as may be necessary to complete the said bridge, which additional shares shall be by them sold, and shall entitle the holders to the same rights and privileges as those originally subscribed. Increase of stock.

SECTION 9. That it may be lawful for the president and managers, and the persons employed by them, to enter upon any lands or enclosures, Entry upon lands

Damage.

for the purpose of locating the said bridge, and to occupy so much of such lands as they may deem necessary for erecting the same; also, they shall have power to make any road or roads from the same, as they may think proper to connect with the nearest public road to the same, paying the owners of such lands a just compensation for the same, and for all damages for injury done thereby; also to search for, procure, and take away all stone, sand, earth, or other materials necessary for constructing or repairing said bridge and roads leading thereto, doing no unnecessary damage, and paying a just compensation for the same; which said compensation or damages, shall be assessed by three persons mutually chosen by the parties, if said parties cannot agree on the same.

Tolls, &c.

SECTION 10. When the said bridge is completed, the property of the same, with its appendages, shall be vested in the said company, and their successors, forever, with power to erect a gate or gates, and such buildings as may be necessary for a toll collector; and to demand and receive toll from travellers and others at said bridge, not exceeding the following rates, to wit: For every carriage of whatever description, having either two or four wheels, used for personal accommodation or pleasure, drawn by one horse, eighteen and three-fourth cents, and twelve and one-half cents for each additional horse in the same; for every wagon or cart drawn by one horse, twelve and one-half cents, and six and one-fourth cents for every additional horse drawing the same; for every sleigh or sled drawn by one horse, twelve and one-half cents, and six and one-fourth cents for every additional horse drawing the same; for every horse with a rider, six and one-fourth cents; for every horse without a rider, three cents; for every foot passenger, two cents; for every head of cattle, one cent; for every score of hogs or sheep, ten cents; for every wagon, cart, sleigh or sled drawn by mules or oxen, one mule shall be rated as one horse, and two oxen as one horse; and in no case shall the driver or owner of any horses or cattle, be permitted to lead or drive more than twenty head on the said bridge at the same time: *Provided*, That no tolls shall be demanded from any persons attending funerals, churches or schools, or going to or returning from militia trainings: *Provided also*, That if any person or persons shall wilfully ride, drive, or lead any horse or other animal, faster than a walk, when crossing said bridge, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered for the use of the said company, as fines of like amount are by law recoverable.

Proviso.

Contingent fund.

SECTION 11. That the said president and managers shall keep a correct account of all moneys received by them as toll or otherwise, and may reserve such sums or proportion of the clear annual income, as they may think proper to form a contingent fund for the purpose of repairing or rebuilding said bridge, and the same to invest on such security or in such stock as they shall deem safe and productive: *Provided*, That nothing in this act shall be so construed as to prevent said company from contracting with any person or persons desirous of using said bridge, for an annual sum in place of the tolls hereinbefore mentioned, or of renting the said bridge with the proceeds thereof, annually, to any person or persons desirous of renting the same, or to the highest and best bidder for the same.

Proviso.

Oath.

SECTION 12. That it shall be lawful for the managers aforesaid, to cause the toll collector to take and subscribe an oath or affirmation, that he will faithfully conduct himself in his station, and honestly account to the treasurer of the company for all moneys collected by him; and dili-

gently attend to the discharge of his duty, by watching with vigilance over the interests of the company and safety of the bridge.

SECTION 13. That if any person shall wilfully pull down, break, or injure any part of said bridge or toll house, or other property of said company, or shall wilfully or maliciously obstruct or impede the passage of said bridge, he, she, or they so offending, shall each of them forfeit and pay for each such offence to said corporation, the sum of twenty dollars, to be recovered before any justice of the peace, as debts of like amounts are by law recoverable; or if any person shall be guilty of carrying a lighted segar or pipe, or fire in any manner, except in a lantern or other vessel properly secured, he, she, or they so offending, shall forfeit and pay a sum of five dollars, to be recovered as aforesaid: *Provided*, Said suit shall be commenced within twenty days from the commission of such offence; and he or she so offending, shall be liable to actions at the suit of said corporation for such wrongs, if the sum or sums herein mentioned, be not sufficient to repair and satisfy said damages. Penalty for injuring works.

SECTION 14. That the said president and managers shall, until the completion of said bridge as aforesaid, receive as a compensation for their services, a sum not exceeding one dollar per day severally, for each and every day actually engaged in the transaction of the business of said company; and after the completion as aforesaid, shall receive no compensation for any services rendered said company; and may allow such compensation to their secretary and treasurer as they may deem proper: *Provided*, That after the completion of said bridge, the salary of the treasurer shall not exceed five per cent. on the amount of cash that may come into his hands, and be by him paid over on orders on said managers, or to his successor in office. Pay.

SECTION 15. That if the said company shall not proceed to carry on the said work within two years after they shall have been incorporated, or shall not within the space of five years thereafter, complete the said bridge, it shall and may be lawful for the legislature of this commonwealth, to resume all and singular the rights, liberties, and privileges hereby granted to the said company. Commencement and completion limited.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 164.

AN ACT

Relating to supervisors of roads in Franklin township, in the county of Westmoreland.

Work out road taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall be the duty of the supervisors of the roads in Franklin township, in the county of Westmoreland, to give notice to each taxable citizen of said township, of a time when, and a place where, and of the tools and implements with which such person shall attend to work out his road taxes, and such supervisors shall allow no pay or deduction on account of taxes, to any person who shall attend or work on the roads in any day, or at any place, unless such person shall have been notified and required by such supervisors, to attend and work as aforesaid.

Failure to work on roads.

SECTION 2. That if any person so notified, as provided in the foregoing section, shall fail to appear and work on the roads, in discharge of his taxes, it shall be the duty of the said supervisors, not less than thirty days thereafter, and the said supervisors are hereby authorized and empowered to bring suit against any, and all such person or persons in the name of said township, before any justice of the peace in said township, to recover all and any such unpaid road taxes, in the same manner as debts of like amount are now recoverable, with the costs of suit; and the jurisdiction of the justices in said township, is hereby extended to the suits provided for in this section.

Exonerations.

SECTION 3. That on the settlement of the accounts of the supervisors of said township, the township auditors shall allow such supervisors exonerations in all cases where they are, or have been usually allowed to collectors of state and county taxes.

Compensation.

SECTION 4. That in case there shall not be sufficient money received for road taxes in said township, in any one year, to pay the supervisors their compensation, such supervisors are hereby authorized to levy, assess and collect in money a sufficient tax for that purpose.

Supervisors' accounts.

SECTION 5. That the township auditors in said township shall, at their next meeting, settle the accounts of the supervisors of any year previous to the year one thousand eight hundred and forty-five, who shall desire the same, and shall allow exonerations in all cases provided for in the third section of this act; and the said supervisors, in said township, of any year previous to the year one thousand eight hundred and forty-five, be and they are hereby authorized and empowered to sue for and recover, in the name of said township, as debts of like amount are now by law recoverable, all unpaid road taxes, accruing during the year or years during which they shall have been supervisors respec-

tively, with costs of suit; and the jurisdiction of the justices in said township, is hereby extended to the cases provided for in this section.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 165.

AN ACT

Relating to the estate of James Logan Smith, deceased.

WHEREAS, James Logan Smith, late of the borough of Chambersburg, deceased, died intestate in the month of March, one thousand eight hundred and forty-three, leaving a widow, Mary C. Smith, and four children, viz: Catharine A., Annie C., Hetty and Ellen L., the last of whom was born after the death of her father: Preamble.

And whereas, The said Mary C. Smith administered on the estate of the said deceased, and in the month of April following his death removed with her children to New Castle, in the state of Delaware, her native place, where she took up her permanent residence; and was subsequently, by the proper court of New Castle county, in the state of Delaware, aforesaid, appointed guardian of the said minors, Annie C., Hetty and Ellen L.; James R. Dick, Esq., of Meadville, Pennsylvania, having been appointed guardian of the said Catharine A., who was a child by a former wife of said deceased:

And whereas, The said Mary C. Smith settled her account of the administration of the estate of said deceased in the orphans' court, of said county of Franklin, on the fourth day of November, one thousand eight hundred and forty-four, and the balance found to be in her hands was four thousand and fifty-three dollars and twenty-three cents; of which, each of the said wards is entitled to receive the sum of six hundred and seventy-five dollars and fifty-four cents, which last named sum has been paid to the said James R. Dick, Esq., of Meadville, as guardian of the said Catharine A. Smith:

And whereas, The said Mary C. Smith has, by her petition to the legislature, expressed her desire to have an act passed authorizing her or some other person, appointed guardian by the proper court of the said county of New Castle, to receive the shares of her wards of the said estates, and that she and her sureties may be released from her administration bonds; therefore,

Guardian of minor children of James Logan Smith to receive the shares of said minors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Mary C. Smith, or some other person duly appointed guardian of the said Annie C. Smith, Hetty Smith, and Ellen L. Smith, minor children of the said James Logan Smith, late of the said borough of Chambersburg, deceased, by the proper court of the said county of New Castle, is hereby authorized to receive the shares of the said wards of the estate of the said James Logan Smith, deceased; and upon satisfactory evidence being furnished to the orphans' court of the said county of Franklin, that the said guardian has given security in the said county of New Castle, fully securing the said shares of the said wards to their use, the said Mary C. Smith, and her sureties in her administration bond, shall be released from all responsibility on the same.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 166.

AN ACT

Requiring the supervisors of Heidelberg and Annville townships, Lebanon county, to give bonds.

Supervisors.

Bond.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the supervisors of Heidelberg and Annville townships, in the county of Lebanon, shall severally enter into a bond to the commonwealth, for the use of the said townships, in double the amount of the duplicate of taxes assessed for any one year for township purposes, with at least one approved security, conditioned for the faithful collecting of the same, and accounting for all moneys received by them, and paying over all balances in their hands to their successors in office; which bond, with approved security, shall be given at the next court of quarter sessions of the said county immediately succeeding their election; and the said court shall approve of the same.

and shall have power to allow the accounts of the said supervisors, and compel settlement thereof at least once in a year.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 167.

AN ACT

To authorize John Newton Graham to change his name.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Newton Graham, of the borough and county of Butler, be and he is hereby authorized to change his name from John Newton Graham to John Newton Pollock; and he shall be henceforth called and known by the name of John Newton Pollock, and by that name he shall be able and capable in law to sue and be sued, to grant and receive property, and to do all other legal acts, as effectually, to all intents and purposes, as he could have done under his former name, if no change had been made therein.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 168.

A FURTHER SUPPLEMENT

To an act, entitled "An Act to regulate the fisheries in the river Delaware and its branches, and for other purposes."

Compensation to
constables repealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act, entitled "An Act to regulate the fisheries in the river Delaware, and for other purposes," passed by the legislature of New Jersey on the twenty-sixth November, one thousand eight hundred and eight, and ratified and confirmed by a supplementary act passed by the legislature of Pennsylvania the twenty-third day of February, one thousand eight hundred and nine; and so much of any other act or acts of assembly, as provides for the payment of a compensation to constables for watching, viewing or inspecting the fisheries in the river Delaware, is hereby repealed, so far as it relates to the county of Bucks: *Provided,* That this act shall not be construed to relieve or discharge the said constables of Bucks county from any of the duties heretofore enjoined upon them by law, respecting the fisheries, fish baskets, wing walls, and other obstructions in the said river Delaware.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 169.

A SUPPLEMENT

To an act, entitled "An Act to divide the borough of Washington into two wards, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the two wards composing the Borough of Washington, in Lancaster county, shall each levy and ap- Washington. propriate their taxes separately.

SECTION 2. That the qualified voters of each ward of said borough, Treasurer, &c. shall by ballot, elect their own treasurer; and the council of each ward shall appoint their own street commissioner.

SECTION 3. That so much of the act approved the twenty-fifth of Repeal. April, one thousand eight hundred and forty-four, entitled "An Act to divide the borough of Washington into two wards," as authorizes the separation of that part of said borough, which lies north of Conestoga street, be and the same is hereby repealed; and that all the lots and lands included in said part, be and the same are hereby re-annexed to the upper ward of said borough.

SECTION 4. That so much of the twenty-eighth section of the act, Adams county. entitled "An Act regulating election districts, and for other purposes," approved the first day of April, one thousand eight hundred and thirty-six, as requires a portion of the voters of Huntingdon township, Adams county, to vote at Heidlersburg, in Tyrone township, at the general elections, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 170.

AN ACT

To facilitate the settlement of a certain boundary.

Trustees of Roman Catholic societies in Philadelphia to adjust boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees or persons in whom, under the will of the Reverend Francis Ignatius Neale, deceased, the legal title and estate of, and in the old Roman Catholic chapel lot in the city of Philadelphia, is or may be vested, shall have power and authority to fix, settle, adjust, and determine with the trustees of the Roman Catholic society worshipping at the church of St. Mary's in the city of Philadelphia, the dimensions and boundaries of a messuage and lot of ground of the said corporation of St. Mary's church, situate on the south side of Walnut street, between Third and Fourth streets, from Delaware, in the said city; and to release and convey to the said corporation, their successors and assigns, all or any adjacent or conterminous real estate, fronting on Walnut street, and extending in depth one hundred feet southwardly therefrom, with the use of the alley or alleys leading into Walnut street, and other the appurtenances; and to receive any price or equivalent that may be the consideration for such conveyance or release, and subscribe and give final and effectual receipts and acquittances therefor.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 171.

A SUPPLEMENT

To an act, entitled "An Act authorizing the inhabitants of the township of Passyunk to elect directors for the Girard school, of Passyunk, to be erected and established, and for other purposes," passed the third day of May, A. D., eighteen hundred and thirty-two.

WHEREAS, The act to which this is a supplement, passed the third day of May, A. D., eighteen hundred and thirty-two, provided for the election annually, by the inhabitants of the township of Passyunk, in the county of Philadelphia, of thirteen directors of the school to be established agreeably to the will of Stephen Girard, deceased, and directed the manner, time and place of holding said elections, and the notice to be given thereof: Preamble.

And whereas, Owing to the neglect of directors heretofore to give notice of said election, and of the inhabitants of said township annually to elect said directors in the manner and form required by law, doubts have arisen as to the validity of the title of said directors to the real estate directed by the will of the said Stephen Girard to be carefully maintained by the directors, and their successors, for the purpose of a school for the poor white children of said township, and to the balance of the legacy, directed by said will to be securely invested as a permanent fund, the interest thereof to be applied towards the support of said school; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the directors of the Girard school house of Passyunk township, elected by the inhabitants of said township on the first Thursday of May last past, and their successors, shall have the same title and estate in and to the lot or piece of ground in the said township, and the building thereon erected for a school house for the poor white children of said township, in pursuance of the will of said Stephen Girard, deceased; and shall have the same right to demand, sue for, recover and receive, from any person or persons whomsoever, in whose hand the same, or any part may be, any balance of the unexpended legacy bequeathed by the will of said Stephen Girard, deceased, for the support of said school, and the same to invest agreeably to the said will; and shall be seized of, possess and have all the estate, property, interest, rights and credits, and discharge all the duties given to, or imposed on the directors by the said will and the act to which this is a supplement, as fully and as effectually, and to the same effect and purpose, as the directors first elected in pursuance of said act, and their successors, were seized of, possessed, or had, or were imposed on them by the said will of Stephen Girard, deceased, and the act to which this is a supplement. Title vested in directors of Girard school house of Passyunk township.
Rights, powers, &c.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 172.

AN ACT

To repeal so much of the act, entitled "An Act repealing the act allowing premium on foxes and wild cats, in the within named counties, and for other purposes," approved the twenty-fourth April, one thousand eight hundred and thirty-three, as relates to Armstrong county, and for other purposes.

Armstrong county—Repeal. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act entitled "An Act repealing the act allowing a premium on foxes and wild cats in the within named counties, and for other purposes," approved the twenty-fourth day of April, one thousand eight hundred and forty-three, be and the same is hereby repealed, so far as relates to Armstrong county.

Clearfield county. SECTION 2. That the act entitled "An Act relative to wolves and panthers in the counties of Centre and Clearfield," passed the fourth day of April, one thousand eight hundred and forty-four, be and the same is hereby repealed, so far as the same relates to Clearfield county; and that the premium on wolves' and panthers' scalps, shall be and remain at the same rate that they were previous to the passage of the act of the fourth of April, one thousand eight hundred and forty-four.

Pike county. SECTION 3. That so much of any law as authorizes the payment of any bounty on fox scalps, as relates to the county of Pike, be and the same is hereby repealed; and so much of the act of the twelfth March, one thousand eight hundred and forty, entitled "An Act to encourage the destruction of wolves and panthers, in the counties of Luzerne, Susquehanna, Wayne, and Pike, Jefferson, M'Kean, Tioga, Potter, Bradford and Monroe, and for other purposes," as relates to the county of Pike, be and the same is hereby repealed; and hereafter, the bounty on wolves and panthers in the county of Pike, shall be paid and regulated by the act of sixteenth March, one thousand eight hundred and nineteen, entitled "An Act to encourage more effectually the destruction of wolves and panthers."

Lancaster co. SECTION 4. That so much of the act, entitled "An Act concerning wolves and foxes," passed March twentieth, one thousand seven hundred and twenty-four, as relates to the county of Lancaster, be and the same is hereby repealed.

Repeal. SECTION 5. That hereafter in the county of Monroe, the bounty on full grown wolf scalps, killed in said county, shall be twelve dollars; on wolf puppies, two dollars and fifty cents; on wild cats, thirty-seven and a half cents; on fox scalps, seventy-five cents; and on the scalps of panthers, twelve dollars.

Venango and Clarion counties. SECTION 6. That hereafter the bounty on red fox scalps, in the county of Venango, shall be seventy-five cents; and in the county of Clarion, fifty cents; and all former laws relating to bounties on red fox scalps in the counties of Venango and Clarion, are hereby repealed.

Repeal. FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.
FRS. R. SHUNK.

No. 173.

AN ACT

Authorizing John Rider to collect certain outstanding taxes in the township of Fallowfield, in the county of Washington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Rider, late collector of taxes for the township of Fallowfield, in the county of Washington, for the years one thousand eight hundred and forty, and one thousand eight hundred and forty-one, be and he is hereby authorized to exercise for the space of two years from the passage of this act, all the powers and authorities conferred on him by any legal warrant which he heretofore held as collector of taxes in said township, for the years aforesaid, any law to the contrary notwithstanding.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 174.

A FURTHER SUPPLEMENT

To the charter of the borough of York.

WHEREAS, The burgesses and assistant burgesses, of the borough of York, have laid out a street called by them Hartley street, in the said borough, at the distance, on its west side, at its intersection with the north side of High street, of seven feet and eight inches east of a certain two story brick dwelling house, erected and owned by Adam Ebert, and also at the distance of three hundred and twenty-three feet east of the point at which the north side of High street intersects the boundary line of said borough on the west :

And whereas, On the original plan of said borough, a space was laid down and marked to be occupied as a street, commencing at the western boundary, as above described, of said Hartley street, and extending eastwardly sixty feet in width ; but in the course of enclosing and building in said borough, the lots on the north side of High street

have been shifted to the west of their position as laid down and marked on the general plan of said borough; and the ground is now held by the owners and occupiers thereof, under a chain of title papers, in such manner as to leave a space of only thirty-eight feet in width unclaimed or occupied by private persons, as aforesaid, on the site of said Hartley street :

And whereas, The burgesses and assistant burgesses have now laid out said Hartley street thirty-eight feet in width, and running northwardly at right angles with High street until it intersects Philadelphia street, in said borough; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the proceedings of the burgesses and assistant burgesses of said borough, in laying out said Hartley street with the width of thirty-eight feet aforesaid, be and the same are hereby approved and confirmed, and said Hartley street is hereby declared to be a public highway, and to be subject to the same regulations and jurisdictions as the other streets of said borough are now or hereafter may be subject to.

Hartley street.

Mode of signifying wish for paving, &c.

SECTION 2. That whenever two-thirds in number of the owners of property on the sides fronting on any of the streets, lanes or alleys, of the borough of York, of any two opposite squares in said borough, shall have signified their wish, by petition in writing to the burgesses and assistant burgesses of said borough, to have so much of any such street, lane or alley, as lies between or in front of said sides of squares, paved, turnpiked or M'Adamized, it shall be the duty of said burgesses and assistant burgesses to have the said paving, turnpiking or M'Adamizing done; and the said burgesses and assistant burgesses shall assess and apportion two-thirds of the expense thereof on and among all the owners of property on said sides of squares, in the same relative proportion as said property shall be charged in the assessment of borough taxes; and the amount so assessed and apportioned shall be collected and be in the same manner as borough taxes are now collected, and be a lien on said properties respectively, in the same manner as other taxes, rates and levies, for the use of said borough, are made a lien on real estate therein, by the ninth section of the act of the fifteenth of March, A. D., one thousand eight hundred and forty-four, entitled "A further supplement to the charter of the borough of York;" and the remaining one-third of the expense of such paving, turnpiking or M'Adamizing, shall be paid by the corporation of said borough.

Expense.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 175.

A N A C T

To incorporate the Reformed Evangelical congregation of Shaefferstown, Lebanon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the German Reformed congregation of Shaefferstown, in the township of Heidelberg, in the county of Lebanon, and state of Pennsylvania, is hereby erected in deed and in law, into a body politic and corporate, by the name, style and title, of the "Reformed Evangelical Church;" and by the same name, shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere; and shall be able and capable in law and equity, to take and hold lands and tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which are now, or shall hereafter become the property of the said corporation by gift, grant, bargain, sale, conveyance, assurance, will, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell or dispose of: *Provided,* The yearly value or income of said real estate, shall not at any time, exceed three thousand dollars.

Name.

Powers, &c.

Proviso.

SECTION 2. That the affairs of the said corporation shall be managed and superintended by four trustees, four elders, and four church wardens, with and by the consent of a majority of the members present, of the said congregation; that the trustees, elders and church wardens, for the time being, shall consist of the following named persons, until other persons shall be duly elected in their place, to wit: Peter Wolfersberger, Henry Miller, Michael Mace and Benjamin Mace, trustees; Michael Moyer, John Heterick, Jacob Borkey and Peter Sheetz, elders; David Miller, Jacob Gockley, Samuel Miller and John Becker, church wardens.

Officers, trustees, &c.

SECTION 3. That the two first named trustees, elders and church wardens, shall continue in their respective offices until the Whitsuntide Monday, in the year one thousand eight hundred and forty-six, and no longer; and the remaining two of the said trustees, elders and church wardens, shall continue in office until the same day, in the year one thousand eight hundred and forty-seven, and no longer.

Classification.

SECTION 4. That on the Whitsuntide Monday, in the year one thousand eight hundred and forty-six, and on the same day yearly thereafter, the members of said congregation shall, at a general meeting for that purpose, elect by ballot seven persons from the said congregation—two to serve as trustees, two to serve as elders, two to serve as church wardens, and one to serve as treasurer—all of whom shall continue in office for the period of two years, except the treasurer, who shall be elected annually on the same day; and in case any vacancy by death or otherwise, shall happen in the office of trustee, elder, church warden or treasurer, the remaining trustees, elders and church wardens, may elect another one to supply such vacancy, until the annual election of said congregation, at which time the members of the same shall supply such vacancy.

Annual election.

Vacancy.

Treasurer.

SECTION 5. That George F. Miller, for the time being, shall be treasurer until the first election of trustees, elders, church wardens and treasurer, by members of said congregation, at which time another shall be elected, or the same re-elected from time to time, who shall, if required, give sufficient security for the trust reposed in him; and the said treasurer shall, at the ensuing annual meeting of the congregation for the election of officers, after he shall have been elected, lay before the said congregation, a full statement of all the moneys received and paid out for the use of the said congregation, during the year that he so acted as treasurer.

President and secretary.

SECTION 6. That the trustees, elders and church wardens, shall, annually on the last Saturday in July, hold a meeting, at which time they shall appoint from among their number, a president and secretary, who shall perform the duties of the said offices for the ensuing year, and shall preside at all meetings, and hold all elections which may take place in said congregation; and in case of neglect or refusal so to do, any two members present at such meeting or election, may be appointed to perform that duty.

Membership.

SECTION 7. That no person shall be deemed a member of said congregation, so as to be entitled to vote at any election, unless he is of good moral conduct or reputation, and shall have first been admitted as a member of the German Reformed church, through the rite of confirmation, and shall have been a member of the said congregation for at least one year immediately preceding the election at which he so offers to vote, and shall have paid not less than twenty-five cents towards the church or pastor, during the year preceding as aforesaid; nor shall any other than a male member, be eligible to any office in the said congregation, or to a vote at any election.

Seal.

SECTION 8. That the said trustees, elders and church wardens, and their successors, shall have full power to make and to use one common seal, with such device and descriptions as they shall think proper, and the same at pleasure to alter and to enact, and enforce such by-laws and ordinances as they shall think proper, for the regulation and transaction of business of the said congregation, and to alter the same at pleasure: *Provided*, That said by-laws and ordinances shall not be inconsistent with the constitution and laws of this state or of the United States: *And provided further*, That before such by-laws and ordinances shall be enforced, they shall receive the sanction of a majority of the members present at a meeting of the congregation called for that purpose, of which, at least four weeks' notice shall be given from the pulpit of said congregation.

Notice of election.

SECTION 9. That the trustees, elders and church wardens, shall give notice, through the pastor from the pulpit of said congregation, of any and every election or meeting that may be held in the said congregation, either for pastor, officers, or any other purposes, at least four weeks before such election or meeting shall be held.

Voting.

SECTION 10. That any person who is a member, or hereafter becomes a member of the said congregation, who shall afterwards connect himself, or become a member of any other religious denomination, shall be excluded from voting at any and every election that may be held by said congregation, although he may have paid towards the church or pastor of said congregation as aforesaid.

Pastor.

SECTION 11. That a majority of the members of said congregation, may at any time request the trustees, elders and church wardens, to call an election for pastor of said congregation, who must be a person of reformed and evangelical principles, and of a christian and moral conduct, by giving four weeks' notice of such election from the pulpit.

SECTION 12. That it shall require an application of two-thirds of the members of said congregation, to alter or amend this constitution. Amendment to constitution.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 176.

A N A C T

To authorize Frederick Nase, Jesse B. Nase and Charles Nase, and others, to change their surnames.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Frederick Nase, Jesse B. Nase and Charles Nase, of the county of Lehigh, be and they are hereby authorized to change their surnames respectively from Nase to Nehs; and they shall henceforth be called and known by the names of Frederick Nehs, Jesse B. Nehs and Charles Nehs, and by those names they shall severally be able and capable in law to sue and be sued, to grant and receive property, and to do all other legal acts as effectually, to all intents and purposes, as they could have done severally under their former names, if no change had been made therein. Names of Fred'k, Jesse and Chas. Nase, changed.

SECTION 2. That William Robinson, of the city of Philadelphia, (gunsmith,) is hereby authorized to change has name to William Robertson, (that being originally his name,) and by that name he shall be able and capable in law to sue and be sued, grant and receive property, and do all other legal acts as effectually, to all intents and purposes, as he could have done by his former name, if no change had been made therein. Name of William Robinson changed.

SECTION 3. That Lewis Gudkin, of Williamsport, Lycoming county, the adopted son of Samuel Titus, of the same place, both of whom request this enactment, shall henceforth be called by the name of Lewis Gudkin Titus; and by this name shall be capable in law to sue and be sued, to receive and to grant any estate, in the same manner as if no change had been made therein; and shall further be deemed and taken in law to be the legitimate son of the said Samuel Titus; and shall be able to inherit and transmit any estate of the said Samuel Titus, with the same effect as if he were the child of the said Samuel Titus, born in lawful wedlock. Name of Lewis Gudkin changed.

Name of Samuel
Tash changed.

SECTION 4. That the name of Samuel Tash, of the city of Philadelphia, be and the same is hereby changed to Samuel Tash Powell; and he shall be able and capable in law to sue and be sued, grant and receive property, and do all other legal acts as effectually, to all intents and purposes, as he could have done by his former name, if no change had been made therein.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 177.

AN ACT,

To extend the charter of the Commercial Bank of Pennsylvania.

Charter con-
tinued.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Commercial Bank of Pennsylvania shall be and the same is hereby continued and extended for the term of five years from the expiration of the present charter, subject to the provisions imposed by this act, and to all the provisions now imposed upon the said bank by existing laws of this commonwealth, and also subject to such further provisions as the legislature may hereafter think proper to enact for the regulation of banking institutions.

Liabilities and
debts due.

SECTION 2. The total liabilities of the said bank, exclusive of deposits, shall not at any time exceed double the amount of its capital stock paid in, nor shall the debts of every kind due, and to become due to the said bank, except debts due from the state of Pennsylvania, ever amount to more than three times its capital stock paid in; and the said bank shall not loan nor discount any, when its circulation shall be, for thirty consecutive days, equal to three times the amount of specie in its possession, belonging to said bank.

Returns to audi-
tor general.

SECTION 3. In addition to the returns which the said bank is now required by law to make, when notified so to do by the auditor general, it shall also return on the oath or affirmation of the cashier, a statement in tabular form showing, first, the whole amount of its liabilities; second, the amount of debts due, or to become due to said bank, except as before excepted; and if upon the return so made, it shall appear that its liabilities or available debts due, or to become due to it, except as before excepted, shall have exceeded for thirty consecutive days, at any quarter of the last year, three times the amount of its capital stock paid in, or that its circulation was greater for thirty consecutive days than three times the amount of specie in its possession, it shall be the duty

of the auditor general forthwith, to give notice thereof to the governor, who shall issue a proclamation, which shall be published in one newspaper in Harrisburg, and one paper in the vicinity of the said bank declaring its charter forfeited; and the said bank shall go into liquidation, under the provisions of the act of the twelfth of March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks of this commonwealth, and for other purposes."

SECTION 4. The stockholders of the Commercial Bank of Pennsylvania, shall be jointly liable to the creditors of said bank, in their individual capacity, for the amount of notes issued, in an amount not exceeding the par value of the stock owned and possessed by them respectively; and the manner of enforcing such liability shall be as follows: In case the said bank shall violate the provisions of any law applicable to it, or becomes insolvent, or in failing circumstances, by reason of the mismanagement of its affairs, and is compelled to make an assignment under the provisions of the second section of the act passed the twelfth day of March, A. D. eighteen hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks," the assignees so appointed shall proceed to make a fair and equitable appraisement of the assets of the said bank, of every description, at their cash value, and also to make a list of all the debts due by the said bank; and if it shall appear that the assets are insufficient to redeem the notes in circulation, the stockholders of the said bank shall be liable to make up such deficiency, in proportion to the respective amount of stock held by each at the time such assignment is made: *Provided*, That their joint liability shall in no case exceed the amount of the par value of their stock.

Individual liability of stockholders.

Provido.

SECTION 5. It shall be the duty of the assignees aforesaid to cause a scire facias, in the name of the commonwealth of Pennsylvania, to be issued by the prothonotary of the court of common pleas of Philadelphia county, against all the stockholders of the said bank, reciting the amount of such deficiency, and requiring them to appear at the next court of common pleas in said county, to show cause why execution should not issue against them for such amount; and such scire facias shall also set forth the proportions due from each of the said stockholders, and it shall be the duty of the sheriff of said county, to serve the writ upon all stockholders named in said writ residing within his bailiwick; and it shall be lawful for the next court of common pleas, or a judge in vacation, to make such order, in reference to giving notice to stockholders, non-residents in the county, and named in such writ, as the case may require: *Provided*, That the scire facias shall not abate by reason of the non-joinder of any stockholder; and in case it shall appear that one or more persons in said writ named, are not liable under the provisions of this act, it shall not vitiate the proceeding against the others.

Duty of assignees
Sci. fa.

Provido.

SECTION 6. On the return day of said writ of scire facias it shall be the duty of said court to render judgment against the stockholders named in said process, for the amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases.

Duty of court.
Judgment.

SECTION 7. Every individual who owned stock in his or her own name, or in the name of any other person or persons, at the time of such assignment, shall be deemed liable for his or her proportions, under the provisions of this act; but it shall be lawful for any stockholder of the said bank, either before or after process shall have been issued, to pay his or her proportional share of liability to the assignees, and receive a

Liability in case of assignment.

full discharge from the same, and the process shall be proceeded in only against the other stockholders that are liable.

Application of
acts relative to
assignments.

SECTION 8. The several provisions of the act of the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," shall be held to apply to all assignments made by the said bank, whether under the provisions of the said second section of the act of twelfth March, one thousand eight hundred and forty-two, or otherwise, and the courts shall exercise all the powers therein given, in addition to the authority conferred by this act, to compel settlements of the accounts of the assignees, and to do every act necessary and proper to accomplish the purposes of the trust, and to compel distribution of the moneys and assets in the hands or power of the said assignees amongst the creditors entitled, according to the just proportion due to each.

Order of pay-
ment of liabilities.

SECTION 9. The said assignees shall pay, out of the assets and property of the said bank, in case of any assignment, the debts and liabilities of the same, in the following order: First, note holders; second, depositors; third, all other creditors, except stockholders, who shall be last paid.

Penalty for em-
bezzlement.

SECTION 10. If any president, cashier, or any other officer or clerk of the said bank, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person or persons, any money or other property belonging to the said institution, or left with the same as a special deposit or otherwise, he or they upon conviction of such offence shall be fined in a sum not less than the amount so appropriated or embezzled, and sentenced to undergo imprisonment in one of the state penitentiaries, as the case may be, to be kept in separate or solitary confinement, at labor, for any term not exceeding two years, at the discretion of the court: *Provided*, That this shall not prevent any person or persons aggrieved, from pursuing his, her or their civil remedy against such person or persons.

Evidence of
fraudulent insol-
vency.

SECTION 11. The insolvency of said bank shall be deemed fraudulent, unless its affairs shall appear, upon investigation, to have been fairly and legally administered, and generally with the same care and diligence that agents, receiving a compensation for their services, are bound by law to observe.

Liability of di-
rectors.

SECTION 12. In case of a fraudulent insolvency the directors of said bank, by whose acts or omission the insolvency was in whole or in part occasioned, and whether then in office or not, shall each be liable to the stockholders of the said bank for his proportional share of the respective losses, the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its reimbursement. If the moneys remaining due to the creditors of the said bank, whose insolvency shall be adjudged fraudulent after the distribution of its effects, shall not be collected in whole or in part from the directors liable for their reimbursement, the deficiency so far as to redeem the notes issued, shall be made good by the contribution of the stockholders of the said bank; the whole amount of the deficiency shall be assessed on the whole number of shares of the capital stock, and the sum necessary to be paid on each share shall then be ascertained, and each stockholder shall be liable for the sum assessed on the number of shares held by him, not exceeding the nominal amount of such shares, in addition to the sum paid or which he may be liable to pay on account of their shares: *Provided*, That nothing contained in this section shall be so construed as to conflict with the fourth section of this act.

Proviso.

Liability on trans-
fers of stock.

SECTION 13. If the amount assessed on the shares of any stockholder under the provisions of the last section, shall not be collected from

such stockholder by reason of his insolvency or his absence from this state, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder, at any time within six months previous to the insolvency of the said bank, shall have received a transfer of the shares or any portion of the shares then held by him; and any person having made such transfer shall be liable in the same manner, and for the same proportion, that he would have been liable had he continued to hold the shares so transferred.

SECTION 14. The term stockholders, as used in the preceding sections of this act, shall extend to every equitable owner of stock appearing on the books of the said bank at the time of its insolvency, in the name of another person, and to every person who shall have advanced the instalments or purchase money of any shares of stock standing in the name of any of his children under the age of twenty-one years; but no person holding stock as an executor or administrator, or as guardian or trustee, appointed by a last will or testament, or by a court of competent authority, and no legal or equitable owner of stock under the age of twenty-one years, shall be individually responsible on account of the shares so held. Definition of stockholder.

SECTION 15. The term insolvency, used in the preceding section, shall be construed to apply to the said bank when it is compelled to make an assignment, according to the provisions of the fourth section of this act; and it shall be thereupon the duty of the directors of the said bank for the time being, within ten days after such assignment, to file in the office of the prothonotary of the court of common pleas of Philadelphia county, verified by oath or affirmation, a full statement of its affairs, containing— Definition of, and statement of affairs in, insolvency.

I. An account of capital stock of the bank, the amount paid in, and the amount of stock held by such corporation. Stock.

II. The quantity, description, and value of the real estate of the said bank. Estate.

III. The shares of stock held by the bank, whether absolutely or as collateral security, with their number and value. Stocks.

IV. The debts owing to said bank, and the amount of said debts that are then collectable. Debts due.

V. The amount of debts owing by the said bank, with the amount of notes or bills in circulation, amount of deposits, and all other liabilities, together with the amount of its loans and discounts, and of specie on hand. Debts owing.

VI. A particular account of the losses of the corporation, and the cause of its insolvency. Losses.

VII. An accurate list of the names and residences, and the amount of stock held by each stockholder in said bank at the time of, and for six months prior to, the time of the said assignment. Names of stockholders.

SECTION 16. If the court shall be in session when the said statement is filed, the same shall be immediately presented to the court by the said directors for examination; and if the court should not be in session at such time, then the said statement shall be presented upon the first day of the session of the court thereafter; and it shall thereupon be the duty of the court to appoint three competent auditors, who shall be duly sworn or affirmed to make a strict investigation of the affairs of such bank, the accuracy and fairness of the statement thus presented to the court, and to perform their duties with fidelity. Presentment to court.

SECTION 17. The auditors thus appointed shall have power to compel the production of the books and papers, and to subpoena and examine the directors and officers of the said bank, and generally to have and exercise all the authority now conferred on auditors by the existing Auditors.

laws; and after having performed their duties, they shall report to the court the result of their investigation; and in case they report that the insolvency was fraudulent, it shall be their duty also to ascertain and report the amount due from the several directors, according to the liabilities imposed by the provisions of this act.

Investigation by
court.

SECTION 18. The said court shall thereupon proceed to the investigation of the matters contained in said report, and shall determine whether the insolvency of said bank was fraudulent or otherwise; or, if they deem it necessary for the purposes of justice, may direct an issue at the request of any person interested to try the fact of fraudulent insolvency, and if the judgment of the court, upon the report of the auditors or upon the verdict rendered upon such issue, should be that the insolvency of such bank was fraudulent, then and in such case the said court shall proceed to decree against the directors the amount due from each, according to their several liabilities; and the said court of common pleas, for the purpose of carrying into effect the provision of this act, shall have the same powers and authorities to obtain the appearance of persons thus made amenable to their jurisdiction, and to compel obedience to their orders and decrees, and enforce execution thereof, as are by law vested in the said courts in cases of trust.

Liabilities of di-
rectors, how re-
moved.

SECTION 19. That it shall be competent for the stockholders of the said bank, at any annual meeting, or at a special meeting convened for the purpose according to law, by a vote of at least four-fifths in number and value of those present, to exempt the directors from all the liabilities intended for the special benefit of said stockholders, as set forth in the preceding sections of this act.

Repeal.

SECTION 20. So much of any act or acts of assembly as is hereby altered or supplied, be and the same is hereby repealed.

Revocation.

SECTION 21. That the legislature hereby reserves the power to alter, revoke, or annul the charter of the said bank whenever, in their opinion, it may be injurious to the citizens of the commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 178.

AN ACT

To continue the district court for the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the district court for the city and county of Philadelphia, shall be and the same is hereby continued for a period of ten years, from the thirtieth day of March, A. D. eighteen hundred and forty-five, with the same effect in all respects, as if there had been no limitation to the duration of said court; and that the several acts of assembly now in force, relative thereto, and not inconsistent with the provisions of this act, be and the same are hereby continued in force until duly altered or repealed. Continued ten years.

SECTION 2. That the governor shall, as soon as conveniently may be, after the passage of this act, by and with the consent of the senate, appoint and commission three judges of said court, learned in the law, one of whom shall be president; each of whom shall continue to exercise the duties of his appointment during the term prescribed by the constitution; and immediately after the expiration of the commission of each of said judges, by its own limitation or otherwise, the governor shall in like manner, appoint and commission a successor, who shall hold his office during the like period. Governor to appoint three judges.

SECTION 3. Each of the judges of the said court shall receive, as a compensation for his services, the sum of two thousand dollars per annum, payable quarterly out of the state treasury. Salaries.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 179.

AN ACT

Authorizing the laying out of a state road from James Wilson's tavern, on the Beaver and Darlington state road in Beaver county, to New Castle, in Mercer county, and for other purposes.

Commissioners.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Ezekiel Sankey, of New Castle, Mercer county, Robert Dunlap and Captain James Davidson, of Beaver county, be and they are hereby appointed commissioners to view and lay out a state road from James Wilson's tavern, on the Beaver and Darlington state road in Beaver county, to New Castle, in Mercer county, in such a manner that the grade from a horizontal line shall not exceed five degrees, except in crossing ravines, where reasonable allowance shall be made for cutting and filling. The said commissioners shall have power to employ a competent artist, two chain bearers, one axeman, and shall carefully mark the said location where made, and having so completed said location, shall make out a correct plot or draft of the same, and file the same in the offices of the courts of quarter sessions of the counties of Beaver and Mercer, respectively; each of the said commissioners and artist, shall receive as full compensation for their services, the sum of one dollar and fifty cents per day, and the chain bearers and axeman, each seventy-five cents per day, for each and every day by them necessarily employed; which expenses aforesaid, shall be paid out of the treasuries of Beaver and Mercer counties, in the same manner as road viewers are usually paid: *Provided however,* That each of the persons so appointed and employed by virtue of this act, shall receive compensation from the treasury of the county in which they reside, respectively.

Mark route.

Draft.

Pay.

Road viewers in
Clarion and Jef-
ferson counties.

SECTION 2. That hereafter, the number of road and bridge viewers appointed by the courts of quarter sessions of the counties of Clarion and Jefferson, shall be three, one of whom shall be a surveyor, if deemed necessary; and every view and review shall be made by the whole number of viewers so appointed, a majority of whom shall concur in their report, in order to its confirmation by said court.

Road tax.
Franklin county.
Proviso.

SECTION 3. That hereafter, the borough of Mercersburg, in the townships of Montgomery and Peters, in the county of Franklin, shall not be liable to the said townships for road taxes: *Provided,* That the said borough of Mercersburg, shall be bound to keep in repair public roads within the limits of said borough; and the citizens of said borough, who are not subject to the payment of road tax for property in the said townships, and without the limits of said borough, shall not have a right to vote for supervisors of the said townships of Montgomery and Peters.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 180.

AN ACT

To lay out a state road from Karthause, in Clearfield county, to Coudersport, in Potter county, by the way of Sinnemahoning, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel C. Fleming, of Clearfield county, William R. Harrison, of Clinton county, and Timothy Ives, junior, of Potter county, be and they are hereby appointed commissioners to view, lay out, and mark a state road, beginning at Karthause, on the turnpike, thence by way of the mouth of the east fork of the Sinnemahoning, in Clinton county, to Coudersport, in Potter county. Commissioners.

SECTION 2. That it shall be the duty of said commissioners to meet Meeting. at the house of William R. Harrison, in Clinton county, on the first of June next, or earlier, and after having made oath or affirmation, before some officer authorized to administer the same, faithfully and honestly to discharge the duties enjoined upon them by this act, proceed to view the ground over which the proposed road is to pass, and lay out the said road as near to a straight line as the nature of the ground and circumstances will permit, and so that the vertical departure from a horizontal line shall in no point exceed five degrees, except at the crossing of streams and ravines, when by moderate cutting, filling and bridging, the grade may be reduced to that standard; and further, it shall be the duty of said commissioners to have due regard to the crossing of streams, the nature of the ground and damage to private property, and all circumstances that may affect the route, so that by a judicious combination of them, a good road may be had, and the public good cared for; and further, it shall be the duty of said commissioners to carefully and plainly mark the road agreed upon. Route.

SECTION 3. The commissioners herein named, shall receive a per diem allowance of one dollar and fifty cents for each day they shall be necessarily employed in performing the duties under this act, and they are authorized to employ a surveyor at one dollar and fifty cents per day, and two chain carriers and one axeman, at one dollar per day. Pay.

SECTION 4. The said commissioners shall, on or before the first day of January next, make out four drafts of said road as located, whereon shall be noted the courses and distances, the crossing of county and township lines, and the crossings of streams, one of which shall be forwarded by mail to the secretary of the commonwealth, to be filed in his office, as a matter of record, and one to be filed in the office of the clerk of the court of quarter sessions, in the respective counties through which the road may pass; and from the time of such filing as last stated, the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired as all other public highways are. Drafts.

SECTION 5. That the accounts of said commissioners for their own pay, and the pay of those directed to be employed under this act, shall paid. Expenses how be adjusted by the county commissioners of the counties through which the road may pass, and paid out of the treasuries of the same, according

to the time actually required to locate the said road within the said respective counties.

State road in
Centre county.
Commissioners.

Meeting.

Pay.

Drafts.

Lewisburg and
Youngmanstown
turnpike road
company.
Votes.

Tolls.

SECTION 6. That T. Miller Hall, H. P. Treziyulney and Samuel Lipton, of Centre county, be and they are hereby appointed commissioners to view, lay out, and mark a state road from the town of Milesburg, in Centre county, to the mouth of the Sinnemahoning, who are to meet at the house of T. Miller Hall, in Milesburg, on the first day of June next, and after having been duly qualified faithfully to discharge their duties, shall proceed to lay out the said road, as is provided by the second section of this act; and the said commissioners, and their surveyor and workmen, shall be paid in the same manner, and the like amount, as is provided in the third section of this act; which accounts shall be settled by the commissioners of the county of Centre, and be paid by the treasurer of said county on a warrant drawn by the said commissioners.

SECTION 7. The said commissioners shall, on or before the first day of January next, make out two drafts of the said road, noting the courses and distances; one of which shall be forwarded to the office of the secretary of the commonwealth, to be filed in his office as a matter of record, the other to be filed in the court of quarter sessions of Centre county; and from the time of such filing, as last stated, the said road shall be, to all intents and purposes, a public highway, and shall be opened and repaired as other public highways are.

SECTION 8. That the stockholders of the Lewisburg and Youngmanstown turnpike company shall hereafter, at any election for officers of said company, be entitled to one vote for every share of stock held by them, not exceeding twenty shares; one vote for every two shares exceeding twenty, and not exceeding fifty; one vote for every three shares exceeding fifty, and not exceeding one hundred; and one vote for every four shares exceeding one hundred; and persons, horses, vehicles, wagons, carriages, sleighs, sleds, cattle and swine, shall at all times be subject to like tolls as authorized by the act incorporating said company; and all the provisions of the said act inconsistent herewith, are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 181.

AN ACT

To incorporate the village of Dauphin, in the county of Dauphin, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the village of Dauphin, in the county of Dauphin, shall be and the same is hereby erected into a borough, which shall be called the borough of Dauphin, and shall be bounded and limited, as follows: Beginning at a point at the edge of low water in the Susquehanna river, near the mouth of Spring run, in the boundary line between lands of John Fertig and the Dauphin and Susquehanna coal company, and running thence north-east thirty-seven and a half degrees seven hundred and seventy feet to a walnut; thence north-east forty-seven degrees three hundred and eighty-seven feet to a locust; thence north-east twelve degrees nineteen hundred and eighty-five feet to a stake, near Spring run; thence north-east sixty-six degrees sixteen hundred and thirty feet to a large white oak; thence south-east six and three-fourth degrees twenty-seven hundred and fifty feet to a maple; then south-east nineteen degrees ten hundred and fifty feet to a locust; thence south-east seven degrees fifteen hundred and ninety-five feet to stones; thence south-west sixty-four and three-quarter degrees four hundred and seven feet to the edge at low water of Susquehanna river; thence along the low water line of said river north-west thirty-six and three-quarter degrees four hundred and eighty-seven feet; north-west fifty-three and a fourth degrees four hundred and eighteen feet; north-west fifty-one degrees five hundred and twenty-three feet; north-west thirty-nine degrees ninety-one feet; north-west sixty-four degrees seven hundred and eighty-one feet; north-west seventy-five and a fourth degrees one hundred and six feet; north fifty-seven degrees five hundred and sixty-one feet; north-west seventy-one and three-fourth degrees four hundred and fifty-five feet; north-west sixty-three and a half degrees two hundred and five feet; north-west seventy-two degrees one hundred and eighty-feet, to the place of beginning. Boundaries.

SECTION 2. That the inhabitants of the said borough entitled to vote for members of the general assembly, having resided within the bounds of said borough at least ten days immediately preceding the election, shall have power on the first Tuesday of April next, to meet at the public school house in said town, and on the same day annually thereafter, at the place aforesaid, and shall then and there, between the hours of one and seven in the afternoon, elect by ballot, one respectable citizen residing therein, who shall be styled the chief burgess, and seven citizens to be a town council; and shall also elect as aforesaid, one citizen as a high constable, all of whom shall be residents of said borough, and entitled to vote for borough officers, agreeably to the provisions of this section. But previous to the opening of said election, such of the inhabitants qualified to vote as aforesaid, as are present at the said place of election, shall choose by ballot one citizen to act as judge, and two citizens to act as inspectors; the judge and one inspector shall also act as clerks of said election; the judge and one inspector to Annual election.
Mode of conducting, &c.

be voted for by each voter, and the election to be conducted throughout according to the general election laws of this commonwealth; and the officers of the election shall be subject to the same penalties for malpractices, as by the said election laws are imposed; the said judge and inspectors, before they enter upon the duties of their respective offices, shall take the same oaths or affirmations before any justice of the peace of the county, as are prescribed by the existing election laws of this commonwealth; and after the said election shall be closed, shall declare the persons having the greatest number of votes, to be duly elected; and in case any two or more candidates should have an equal number of votes, the preference shall be determined by lot, to be drawn by the two inspectors in presence of the judge; whereupon, duplicate certificates of said election, shall be signed by the said judge and inspectors, one of which shall be transmitted to the chief burgess elect, and the other filed among the records of the corporation. And it shall be the duty of the high constable, for the preceding year, (and in the event of his absence or inability to act, such person as the officers of the election may direct,) to give notice in writing, to each of the persons so elected as aforesaid; and in case of the death, resignation, removal or refusal to accept any of the said offices, or if it should at any time happen that no election should be holden on the day and in the manner aforesaid, the corporation shall not on that account be dissolved; but the chief burgess, or in the event of his absence, death, resignation, removal or inability to act, the president of the town council shall issue his precept directed to the high constable, commanding him to hold an election in manner aforesaid, to supply such vacancy, giving at least eight days' notice by six advertisements set up in the most public places in said borough.

Name.	SECTION 3. That from and after the first Tuesday of April next, the chief burgess and town council duly elected as aforesaid, and their successors, shall be one body politic and corporate, by the name and style of "The chief burgess and town council of the borough of Dauphin," and shall have perpetual succession; and the said chief burgess and town council, and their successors, shall be authorized in law to have,
Powers, &c.	get, receive, hold and possess, goods and chattels, lands and tenements, in fee simple or otherwise, and also to grant, sell, let, and assign the same goods and chattels, lands and tenements, not exceeding at any one time in value two thousand dollars; and by the name and style aforesaid, they shall be capable in law to sue and be sued, plead and be impleaded in any of the courts of law of this commonwealth, in all
Seal.	manner of actions whatsoever; and to have and use a common seal, and the same from time to time, at their will, to change and alter, until it be otherwise directed by law.

Penalty for refusal to accept office.

SECTION 4. That if any person duly elected chief burgess, member of the town council or high constable, as aforesaid, and having received due notice thereof, as directed by this act, shall refuse or neglect to take upon himself the execution of the said office to which he shall have been elected, or having taken upon himself the duties of the said office, shall neglect to discharge the same according to law, every person so refusing or neglecting, shall, for every such offence, forfeit and pay the sum of ten dollars, which fine, and all other fines, penalties, and forfeitures incurred and made payable in pursuance of this act, or any by-law or ordinance of the town council, shall be for the use of the said corporation, and shall be recovered by suit brought before the chief burgess, (to whom is hereby given the same power and authority in suits brought before him,) to recover the same, as justices of the peace within the commonwealth by law have, where the demand does not exceed one hundred dollars, in the form and manner and with the same costs of suits, that

debts of like amount are by law recoverable, and the same when recovered, shall be paid to the treasurer of the borough; and it shall be the duty of the officers of the borough, on receiving any money belonging to the corporation, to pay the same to the treasurer forthwith: *Provided*, That no person elected as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years.

SECTION 5. That the chief burgess, members of the town council and high constable, and all the other officers of the borough, appointed by the town council in pursuance of the further provisions of this act, before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation before the chief burgess, or any justice of the peace of said county, "to support the constitution of the United States, and of the state of Pennsylvania, and to perform the duties of their respective offices with fidelity," and the certificates of such oath or affirmation shall be filed among the records of said corporation. Oath.

SECTION 6. That the town council shall meet on the first Saturday next after their election, in each year, at the public school house in said town, or such other place as they may determine upon, and choose one of their number president, who shall preside at their meetings; and in the event of the absence, death, resignation, removal, or inability to act, the chief burgess shall possess, all and singular, the rights, privileges, powers and authorities of the said chief burgess given him in this act or elsewhere; and further, to choose one of their number secretary of the town council, (whose salary shall be fixed by the said town council,) whose duty it shall be to take charge of all the papers, records and common seal of said corporation, and be answerable therefor, and also for the faithful discharge of the duties enjoined upon him by this act, or by the by-laws and ordinances of the town council; and shall keep a fair and accurate record of all the proceedings, minutes and resolutions, by-laws and ordinances of the said town council, open at all reasonable times for the inspection of every qualified voter of said borough; and the attestation of the said secretary, with the seal of the corporation, shall be good evidence of the act or thing so certified; and it shall be the duty of the said town council, (four of whom shall be a quorum,) to hold quarterly meetings on the third Saturdays in September, December and March, in each year, and such other meetings as occasion may require; at which meetings they may make, enact, alter, revise, repeal and amend all such by-laws, rules, regulations and ordinances, as shall be determined by a majority of them, necessary to promote the peace, good order, benefit and advantage of the said borough, and particularly providing for the regulation, improving, repairing and keeping in order the streets, lanes, alleys and highways. They shall have power to assess and apportion such taxes as shall be determined by a majority of them, necessary for carrying the said rules, by-laws and ordinances, from time to time, into complete effect; and also to appoint a treasurer, street supervisor and collector, annually, and such other officers as may be deemed necessary from time to time; and the same officers, from time to time, to remove for misdemeanors in office: *Provided*, That no by-laws, rules or ordinances of said corporation, shall be repugnant to the constitution and laws of this commonwealth; and that no person shall be punished for the breach of any by-law or ordinance of the said corporation, until ten days shall have expired after the promulgation thereof, by at least three advertisements, set up in the most public places in the said borough: *And provided also*, That in assessing such tax, due regard shall be had to the valuation of taxable property taken for the purpose of raising the county rates and levies, so that the said tax shall not in any one year exceed one-third cent on the dollar of such Annual meetings of council.
President, &c.
Secretary.
Salary.
Duties, &c.
Quorum.
Quarterly meetings.
By-laws.
Taxes.
Provido.
Provido.

valuation, unless some object of general utility shall be thought necessary, in which case three-fourths of the qualified voters of said borough shall approve of and certify the same in writing, under their hands, to the town council, who shall proceed to assess the same accordingly: *Provided also*, That the town council shall lay such taxes upon dogs, and make such regulations respecting them within said borough, as they may see proper.

Collection of
taxes.

SECTION 7. That the chief burgess elected and qualified agreeably to this act, or in the contingency aforesaid, the president of the town council is hereby authorized and empowered to issue his precept as often as the occasion may require, directed to the collector, commanding him forthwith to collect all taxes so assessed, and the same to pay over to the treasurer; which said precept shall be signed by the secretary of the council, and to which the seal of the said corporation shall be fixed. And the said chief burgess, or president of the town council, is hereby authorized to carry into effect all by-laws and ordinances enacted by the town council, and whatsoever else shall be enjoined upon him for the well ordering and governing said borough; and the town council alone shall have power to mitigate or remit such fines and forfeitures.

Treasurer.
Security.
Accounts, &c.

SECTION 8. That the treasurer shall give sufficient security, to be approved by the town council, for the faithful performance of the duties of his office, and for the delivery of all moneys, books and accounts appertaining thereto, into the hands of his successor, upon demand made for that purpose; and that the street supervisor, treasurer, high constable, and all other officers of said borough, shall, in the month of December, yearly, render their accounts to said town council for settlement.

Court of appeal.

SECTION 9. That the chief burgess, president and secretaries of the town council, or any two of them, shall constitute a court of appeal; and prior to the collection of any borough tax, the collector shall inform each inhabitant of the amount of his tax, and of the time and place of appeal: *Provided nevertheless*, That the said court of appeal shall have no other power than to determine the justness of the apportionment of said tax, and to remedy any grievance that may occur in imposing the same; and that it shall be the duty of the high constable to give notice of the annual election of the said borough, to be held in pursuance of this act, by setting up five advertisements in the most public places in said borough, at least ten days previous thereto; he shall attend and see that the election is opened at the time and in the manner directed by this act: *Provided*, That the constable of the township of Middle Paxton, for the time being, shall publish and superintend the election to be held on the first Tuesday in April next, as hereinbefore directed.

Proviso.

Constable of Middle Paxton.

Pay and duties of
officers.

SECTION 10. That the town council shall from time to time fix the compensation, and at their discretion declare the duties of all the officers elected, appointed or to be appointed under the several provisions of this act, which compensation shall be paid out of the borough treasury, by orders drawn by them, signed by the president and countersigned by the secretary; and the same shall not be increased or diminished during the time for which said officers were appointed respectively: *Provided*, That if any person appointed by the town council as aforesaid, shall neglect or refuse to take upon himself the duties of the office to which he has been appointed, he shall for the same forfeit and pay, for the use of the corporation, the sum of ten dollars, unless he can render to the said council satisfactory reason why he should be exonerated from said service: *Provided also*, That no person, as aforesaid, shall be liable to a fine for refusing or neglecting to serve more than once in five years.

SECTION 11. That if any person or persons shall think him, her or themselves aggrieved by anything done by the chief burgess in his judicial capacity, or anything done in pursuance of this act, except in what relates to the appointments made by the town council, he, she or they may appeal to the next court of common pleas to be held for the county of Dauphin, upon giving security, according to law, in appeals from judgments, appeals from justices of the peace, to prosecute his, her or their appeal with effect: *Provided also*, That such appeals shall be determined in the same manner, and the proceedings therein shall be the same, as in appeals from justices of the peace; and that such appeal shall be allowed in cases where the judgment is given for a less sum than five dollars thirty-four cents, as well as where it exceeds that sum. Grievances.
Proviso.

SECTION 12. That no officer of said borough shall have any voice in the legislature for said borough; but the same is hereby vested in the members of the town council exclusively, who, as members, shall receive no compensation for their services. Councils.

SECTION 13. That all property, offices, professions, and persons made taxable by the laws of this commonwealth for county rates and levies, shall be taxable after the same manner by the said borough; and all tax, rates and levies, assessed, rated, and levied therein, shall be recovered in the same manner as the county rates and levies of the county of Dauphin are by law recoverable. Taxation.

SECTION 14. That the said council shall have full power to pave, or otherwise improve all or any or every of the footways and gutters within the borough, at the expense thereof: *Provided*, That every owner of property or ground shall have the right to pave the footway on the front of their own lots at their own expense, according to the grade fixed by the commissioners and approved by the town council: *Provided*, They have it completed within sixty days after due notice in writing given for that purpose by the council or other agent: *And provided*, That nothing herein contained shall be construed to give power to the council to compel any person to pave at his own expense. Improvements.

SECTION 15. That the high constable shall give bond and security to the said corporation in such sum as the said council shall approve, conditioned for the performance of all the duties enjoined upon him by this act, and by the ordinances and by-laws of the council; and that from and after the passage of this act, the citizens of the borough of Dauphin shall be exempted from paying road tax to the township of Middle Paxton. High constable,
bond.
Road tax.

SECTION 16. That the officers of the said borough election are hereby entitled to receive the sum of fifty cents each, which shall be paid them by the treasurer upon an order signed by the president and countersigned by the secretary of the town council; and any qualified elector in said borough may be an officer at said election, any existing law of this commonwealth to the contrary notwithstanding; and that the writs for the recovery of fines and for forfeitures, to be issued by the chief burgess or president of council under the aforesaid contingency, and shall be in the form of writs of summons, *capias*, execution, and such other necessary writs as are issued by justices of the peace in pursuance of the laws of this commonwealth. Pay of election
officers.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 182.

A N A C T

To provide for repairing the public highways in London Grove township, Chester county.

Certain acts extended to London Grove township.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the second, third, fourth, fifth, sixth and seventh sections of an act, entitled "An Act to repeal a supplement to the act, entitled 'An Act relative to the expenditure of the road taxes in Fayette county, and for other purposes,' approved the fifth day of May, A. D. one thousand eight hundred and thirty-two, and for other purposes," approved the eleventh day of March, one thousand eight hundred and forty-five, be and the same are hereby extended to the township of London Grove, in the county of Chester, except that said township shall be required as heretofore, to elect two supervisors annually.

Repeal.

SECTION 2. So much of the several acts of assembly relative to roads and highways, as are inconsistent with this act, are hereby repealed, so far as the same relates to the said township of London Grove.

Luzerne county, repeal of certain acts relative to.

SECTION 3. That the act repealing the act passed thirteenth April, one thousand eight hundred and forty-three, entitled "An Act supplementary to 'An Act relating to roads, highways and bridges, so far as it regards certain counties therein named,' passed the eleventh day of March, one thousand eight hundred and forty-four," be and the same is hereby repealed, so far as regards the county of Luzerne.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 183.

AN ACT

For the relief of the heirs and legal representatives of Samuel Meredith, deceased,
and for other purposes.

WHEREAS, Samuel Meredith, in his lifetime, being the owner of a tract of land called "Porter's Lodge," in the warrantee name of Jacob Van Reed, containing fifty-three and a-half acres and allowance, situate on the east side of the Susquehanna river, at the mouth of Rummerfield's creek, then in Luzerne county, now in Bradford county, Pennsylvania, did, on the twenty-fourth of August, seventeen hundred and ninety-nine, under the provisions of an act of the general assembly of Pennsylvania, passed the fourth day of April, seventeen hundred and ninety-nine, entitled "An Act for offering compensation to the Pennsylvania claimants, of certain lands within the seventeen townships, in the county of Luzerne, and for other purposes therein mentioned," by deed duly executed and filed in the land office of Pennsylvania, for the purposes, and for the consideration expressed in said act, convey and release the said tract of land to the said commonwealth, and surrendered the patent for the same to the land office :

And whereas, The said tract being afterwards found to lie without the boundaries of the said seventeen townships, was not granted out, or certified under the provisions of said act; nor was any compensation or allowance ever made to the grantor, or his heirs or legal representatives for the same, and the title to the said land yet remaining in the commonwealth ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the right, title and interest in the commonwealth of Pennsylvania, of, in and to a certain tract of land called "Porter's Lodge," in the warrantee name of Jacob Van Reed, containing fifty-three acres and a-half with allowance, situate on the east side of the river Susquehanna, at the mouth of Rummerfield's creek, in Bradford county, Pennsylvania, which was conveyed and released to the said commonwealth, on the twenty-fourth day of August, Anno Domini, seventeen hundred and ninety-nine, by Samuel Meredith, he and the same is hereby re-conveyed and re-transferred to the heirs and legal representatives of the said Samuel Meredith, deceased ; and the proper officers are hereby directed, upon the payment of the proper fees and charges therefor, to issue to the heirs and legal representatives aforesaid, a confirmatory patent for the same.

SECTION 2. That in case the heirs and legal representatives aforesaid, cannot agree with the parties in actual possession of said lands, as to compensation to the price to be paid therefore, the same may be settled by arbitrators, mutually chosen and agreed upon by said parties, or in case of an ejectment for said land, the jury or arbitrators trying the said cases, shall fix the price and compensation to be paid therefor, upon principles of justice and equity, and the verdict and judgment in such suits shall be proceeded in, and collected, as in cases of ejectment upon articles of agreement to recover the price of land.

Undrawn donation lands.

SECTION 3. That all undrawn tracts of donation land, situate north and west of the rivers Ohio, Allegheny and Conewango creek, may be patented in the same manner, and upon the same terms as other lands which are open for settlement within said territory.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 184.

AN ACT

To authorize the overseers of the poor of the borough of Lewistown, in the county of Mifflin, to erect a poor house.

Mode of ascertaining assent of citizens.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of ascertaining the sense of the citizens of the borough of Lewistown, as to the expediency of establishing a poor house for said borough, the qualified voters of the several wards of said borough shall, on Saturday, the third day of May next, in the year of our Lord, one thousand eight hundred and forty-five, express their desire by voting tickets, labelled on the outside "Poor House," and inside the words "For a Poor House" or "Against a Poor House," as the several voters may desire; and if it shall appear by such election that a majority of the qualified electors of said borough are in favor of establishing a poor house, then the overseers of the poor of said borough, shall proceed to select and purchase a suitable property for that purpose, as convenient to said borough as may be, and make all necessary arrangements, and remove the poor of said borough to said poor house as soon as practicable: *Provided*, That the said overseers shall not purchase a property at a greater price than two thousand five hundred dollars, for the land and the improvements necessary for its suitable occupation as a poor house, and shall not pay more than five hundred dollars in hand, and a like sum each year, till the whole purchase money be paid, so that the poor taxes of said borough may be as light as possible.

Proviso.

Employment of poor.

SECTION 2. The said overseers shall provide suitable work and keep the poor employed in gardening, or such mechanical work as they may think suitable and profitable, and to employ some suitable person to reside at the poor house and take charge of the poor, under the direction of the overseers, who shall have all the powers necessary for the proper

regulation of the poor house, in addition to the powers under the present laws regulating the support and employment of the poor.

SECTION 3. The said poor house, and the property thereto attached, shall not be liable to be taxed for any other than state purposes. Exempted from tax.

SECTION 4. That the townships of Granville and Derry may be attached, if the majority of the said qualified voters of said townships require it, and that the said voters of said townships may decide the same by ballot, at the annual election on the second Tuesday of October, one thousand eight hundred and forty-five, by voting for or against a poor house in said township, and that the return judges of said elections shall make returns of the same, in like manner as the other returns of said annual election are made: *Provided*, That the townships of Granville and Derry shall be allowed to contribute to the purchase of such property, and assist in the erection of such buildings, as may be necessary for the said poor house, in the proportion of twenty-five hundred dollars for each of the said townships, to be paid in the time and manner provided for in the first section of said act: *Provided*, The whole expenses shall not exceed the sum of seven thousand five hundred dollars. Townships of Granville & Derry may be attached to said boro'.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 185.

A N A C T

To authorize the trustees of the Reading academy to transfer the said academy to the school directors of the borough of Reading.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Academy trans-
trustees of the Reading academy, in the county of Berks, be and they ferred.
are hereby authorized, with the assent and approbation of a majority of the actual members of the said board, to transfer the academy buildings and lot of ground thereto belonging, in the said borough of Reading, heretofore and now held by the said trustees, conformably with the provisions of the act of assembly incorporating the said academy, passed High school.
the tenth day of March, one thousand seven hundred and eighty-eight, to the directors of the common schools of the several wards of the said borough of Reading, for the purpose of establishing and maintaining

therein, in lieu of and instead of the academy as at present established by law, a high school for tuition in classical literature and the higher branches of education, according to a plan to be adopted by the said directors of the common schools of Reading, not inconsistent with the provisions of the act of the general assembly for establishing a general system of education by common schools, passed the thirteenth day of June, Anno Domini one thousand eight hundred and thirty-six, and the supplements thereto.

Payment of liens
against said acad-
emy.

Reversion.

SECTION 2. The real estate so transferred as aforesaid, shall be held by the said directors of the common schools of the several wards of Reading, subject to the payment of all liens and incumbrances thereon, and all debts due and owing by the Reading academy, or the trustees, on account of, and which the said directors shall pay and discharge out of the common school funds to be raised by them by taxes to be levied for that purpose according to law, before the said academy buildings and lot shall be vested in the school directors; and in the event of the repeal of the common school law, or the rejection of the common school system by the said borough, or of the definitive failure thereof from any cause whatever, then and in either of these cases the said real estate shall revert to the trustees of the Reading academy; and if there be no trustees of said academy then living, the said real estate shall vest in such persons as the legislature of this commonwealth shall, on application, appoint to supply the places of the trustees of the said academy upon the original trust created by the act of incorporation as aforesaid, freed and discharged from the liens and incumbrances so paid by the directors of the common school of Reading as aforesaid.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 186.

AN ACT

To incorporate the Pittsburg trust and savings company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Harmar Denny, J. K. Morehead, Charles Shaler, Walter H. Lowrie, Thomas Bakewell, Morgan Robertson, Josiah King, Wilson M'Candless, Henry S. Magraw, John B. Butler, William Larimer, jr., Rody Patterson, John Small, William J. Howard, William H. Smith, John Morrison, James S. Craft, Reuben Miller, B. A. Fahnestock, Robert H. Hartley, William Eichbaum, William Gates, Edward D. Gazzam, William Kerr, of St. Clair township, Alfred W. Marks, Dr. Robert Wilson, Daniel Negley, Moses Hampton, Orlando Metcalf, Thomas Williams, Christian Ihmsen, Edward Simpson, John Anderson, (founder,) Samuel Jones, L. Wilmarth, George R. Riddle, Thomas Farley, be and they are hereby appointed commissioners, who, or any number of whom, are authorized to carry into effect as soon as they may deem expedient, the establishment of a body corporate in the city of Pittsburg, to be known by the name of "The Pittsburg Trust and Savings Com-
pany." Commissioners. Name.

SECTION 2. It shall be the duty of said commissioners to procure books, in which they shall enter as follows, viz: "We, whose names are hereunto subscribed, do promise to pay to the Pittsburg trust and savings institution, the sum of fifty dollars for every share of stock in said institution, set opposite to our respective names, in such manner and proportions as shall be determined by the board of directors of said corporation, in pursuance of an act of assembly, entitled 'An Act to incorporate the Pittsburg trust and savings company.' Witness our hands the day of in the year of our Lord one thousand eight hundred and ."
Form of sub-
scription.

SECTION 3. It shall also be lawful for the said commissioners to receive subscriptions to the stock of said corporation, in the manner following, viz: "We, whose names are hereunto subscribed, do promise to pay to the Pittsburg trust and savings institution, the sum of ten dollars for every share of stock in said institution set opposite to our respective names, and also the sum of two dollars semi-monthly thereafter, upon every share so subscribed, after the said company shall have become incorporated by letters patent, and organized by the election of directors and officers in conformity with the provisions of an act of assembly, entitled 'An Act to incorporate the Pittsburg trust and savings company.' Witness our hands the day of in the year of our Lord one thousand and 3" and the said commissioners shall permit all persons being citizens of the United States, and of lawful age, to become subscribers to the stock of said institution, upon the payment of ten dollars upon every share so subscribed: *Provided*, That the whole number of shares for which the said commissioners are authorized to receive subscription, shall not exceed four thousand.
Form of sub-
scriptions and
semi-monthly
contribution. Subscribers. Number of shares.

SECTION 4. When five hundred shares or more shall have been subscribed, and ten dollars on each share paid to the commissioners, the said commissioners or any six of them, shall certify the same under oath or affirmation to the governor of this commonwealth, and on the receipt of such certificate, the governor shall, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the subscription be not full at the time, then those also who shall thereafter subscribe to the number of shares aforesaid, into a body politic and corporate, by the name, style and title, of "The Pittsburg Trust and Savings Institution;" and by the same name the subscribers shall have perpetual succession, and the privileges, franchises and immunities incident to a corporation; may sue and be sued, plead and be impleaded, in all courts of record and elsewhere; may purchase, receive, have, hold and enjoy, to them and their successors and assigns, lands, tenements and hereditaments, goods, chattels, and all estate, real, personal, mixed, of what kind or quality soever, subject, however, to the limitations and restrictions hereinafter mentioned; and the same from time to time to sell, grant, mortgage, alien or dispose of; to make and have a common seal, and the same to alter and renew at pleasure; and generally to do, all and singular, the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due management and ordering of the business thereof: *Provided*, That nothing herein contained shall be construed as giving to the said corporation any banking privileges, or any other liberties, privileges or franchises, but such as may be hereafter specifically set forth.

SECTION 5. For the management of the affairs of said corporation, nine directors shall be elected annually by the stockholders of said company, the votes to be delivered in person or by proxy, duly authorized; which directors shall appoint one of their number to be president, and shall respectively serve for one year, or until other directors be elected. The first election for directors of said corporation shall take place within ten days after the date of the letters patent, and the annual elections thereafter upon the fourth Monday of November in each year; but a failure to elect on the day specified shall not invalidate an election held on any succeeding day: *Provided*, That ten days notice of the time of holding such election shall be given, in at least two newspapers published in the city of Pittsburg.

SECTION 6. None but a stockholder who is a citizen of the United States shall be a director, or vote at any election for directors, either in person or by proxy; and all proxies shall be dated within sixty days before the day of each election. The number of votes to which each stockholder shall be entitled in voting shall be as follows: For one share, and not more than five shares, one vote for each share; for every five shares above five, and not exceeding twenty shares, two votes; for every six shares above twenty, and not exceeding forty shares, two votes; for every eight shares above forty, and not exceeding one hundred, one vote; but no person, co-partnership or body politic, shall be entitled to a greater number than thirty votes; and after the first election, no share or shares shall confer a right of voting, unless the same shall have been held three calendar months before the day of election.

SECTION 7. The first named ten commissioners in this act, or any five of them, are hereby authorized to hold the first election for directors; and previous to any subsequent election, the directors shall appoint three stockholders, not directors, to be judges of said election, who shall conduct and regulate the same, after having severally taken and subscribed an oath or affirmation, before some justice of the peace or alderman, well and faithfully, and lawfully to conduct the election, and

Letters patent.

Name.

Prohibition of
banking privi-
leges.

Directors.

Election.

Proviso.

Who may be
directors.

Votes.

Election.

who, after the conclusion of the ballot, shall decide and declare who are chosen directors.

SECTION 8. Not less than five directors shall constitute a board for Board.
the transaction of business, of whom the president shall always be one, Quorum.
except in case of sickness or necessary absence, in which case his place
may be supplied by any other director whom he, by writing, under
his hand, may depute for that purpose; and in case the president shall
not so depute, the board of directors may elect a director to act during
the absence of the president.

SECTION 9. The capital stock of the said corporation may be loaned Dividends.
upon bonds, mortgages, promissory notes and bills of exchange, and
dividends of the profits shall be made semi-annually upon the days
hereinafter mentioned, which dividends may, at the election of the re-
spective stockholders, be paid to them or to their order, or may be
added to the amount of their respective shares of stock: *Provided,* Provisi.
That after one withdrawal of said dividend no stockholder shall have
the liberty of compounding as aforesaid, without the consent of the
directors of said institution; and providing that in case of a failure to
withdraw said dividend, or to signify an election in respect to the same,
such failure shall be deemed and taken as an instruction to compound said
dividend, except in cases where dividends previously declared have been
withdrawn.

SECTION 10. The said corporation may also receive deposites of Deposites, inter-
money, and may pay any rate of interest not exceeding six per cent. rest, &c.
per annum upon such deposites as may be determined by the directors,
and may also receive upon trust, moneys, stocks, ground rents, mort-
gages and annuities, and may hold or dispose of the same, or the pro-
ceeds of the same, subject to the directions of the depositors, for which
service a reasonable remuneration, according to the nature of the service,
may be charged; and any orphans' court, or other court of record
within this commonwealth, may order and direct the deposit of any
moneys or other estates hereinbefore mentioned within their jurisdic-
tions with said company, upon which the said company shall pay
interest, or for the discharge of the trust receive such remuneration as
may be agreed upon by said court and said company.

SECTION 11. When the annual income of an infant, lunatic, or other Improvement of
person, of whose estate the said company shall be guardian or trustee, property of in-
shall exceed the sum allowed or which may be sufficient for the educa- fants, lunatics,
tion, maintenance and support of said infant, lunatic or other person, &c.
such surplus income shall be accumulated by said company for the
benefit of said infant, lunatic, or other person, by adding annually
interest upon the whole as a new principal, the interest so to be allowed
and added upon such accumulation in no case to be less than four per
centum per annum.

SECTION 12. The said corporation shall and may, whenever required Certificates of
so to do, issue certificates for the amount of all moneys deposited with deposite.
them in trust, which certificates shall be assignable and transferable on
the books of the institution, under such regulations as may be pre-
scribed by the president and directors.

SECTION 13. If less than four thousand shares of the said stock Stock and sub-
shall be subscribed on the days and times appointed by the said com- scriptions.
missioners for that purpose, the said corporation shall permit all persons,
being citizens of the United States and of lawful age, to subscribe for the
residue upon the books of the company, but such subscribers shall pay
upon each share, in addition to the ten dollars required to be paid upon
such shares as shall have been subscribed upon the books of the com-
missioners, all subsequent instalments which shall have been called in

and paid upon such shares, and interest at the rate of six per cent. per annum upon the amounts so paid in: *Provided*, That said corporation may retain one thousand shares for the investment of any moneys arising out of the estates of infants or lunatics which may be deposited for that purpose.

Penalty for neglect to pay money due on subscriptions.

SECTION 14. The directors of said corporation shall have full power to ascertain and decide the time, manner and proportions, in which the stockholders shall pay the money due upon their respective shares, and in case of the failure of any stockholder to pay at the times and in the manner and proportions so ascertained and decided, to bring suit for the recovery of the same against the original subscribers to the stock or their assignees, which assignees shall be held liable as original purchasers, or to declare the same forfeited, after giving ten days notice; and after deducting from the amount of such share or shares the proper cost and charges for such notice, and the further charge of five per centum for the use of the corporation, the residue shall be paid to such delinquent stockholder, and the shares so held by him shall be thenceforth extinguished: *Provided*, That in case of the decease or lunacy of any subscriber to the stock mentioned in the second section of this act, and the failure of his heirs, devisees, executors, administrators or trustees, to pay the semi-monthly instalments thereon, the said stock shall not become forfeited or extinguished, but may be transferred and converted upon the books of the corporation, into such stock as is mentioned in the first section of this act, and shall be subject to all the incidents of the same.

Proviso.

Transfer of stock.

SECTION 15. The capital stock of the said corporation shall always be transferable upon the books of the said corporation, to be kept for this purpose, at its usual place of doing business, and at such other places not within the county of Allegheny as may be appointed by the directors.

General meetings.

SECTION 16. A general meeting of the stockholders for purposes relative to the institution, may at any time be called, either by the board of directors, or by any number of stockholders owning one-twentieth part of the stock, on giving at least thirty days notice in two public newspapers published in the city of Pittsburg, and specifying in such notice the object or objects of such meeting; and there shall be a general meeting of the stockholders at the place of doing business, or such other place as the directors may appoint, on the fourth Monday of November in each year, at which time the directors shall lay before them a general and particular statement of the affairs of the company.

Estate of corporation.

SECTION 17. The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, otherwise than in trust, shall be only such as shall be requisite for its immediate accommodation in transacting its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which have been obtained for such debts, or purchased for the purpose of securing such debts; the said corporation shall not trade in any merchandize or goods, except such as may be really and truly pledged for money lent, and not redeemed in due time, or goods which may be the proceeds of its lands.

Purchase of stocks.

SECTION 18. The said corporation shall not be at liberty to purchase any stocks whatever, except their own stock, treasury notes, or public stocks created by the government of the United States, or of the state of Pennsylvania.

Pay of officers.

SECTION 19. The board of directors shall fix and determine the compensation to be allowed to the president, and shall appoint an actuary,

and such other officers, clerks, and persons as shall be necessary for transacting the business of the institution, and shall take from each such security as they may deem sufficient, and make to each a just compensation for his services; they may also make such by-laws for the government and well ordering of the institution, as are not inconsistent with the provisions of this act.

SECTION 20. The said corporation shall declare a dividend out of the Dividends. profits of its business, upon the third Monday in May or November, after its organization by the election of directors and other officers, and upon every third Monday in May and November thereafter.

SECTION 21. It shall be the duty of the president and directors of said corporation to make out and publish, in at least two of the public newspapers in the city of Pittsburg, a statement of their affairs, in the form of a regular account current, or in such form as may be hereafter prescribed by the legislature, as they shall stand upon the first Mondays of December and June in each year, specifying particularly the amount of their capital stock paid in, the amount of dividends compounded and added to such capital stock, the amount of deposits, cash in possession, the amount and nature of their loans, the value of their real estate, and all debts due by said corporation and their nature, and such other information as may be required of them, and which may enable the legislature to possess a correct knowledge of the condition and affairs of said institution; and such statement shall be transmitted, under oath or affirmation of the president or actuary of said corporation to the auditor general, who shall, on the first Monday in January following, lay the same before the legislature; and the court of quarter sessions of the county of Allegheny, is also authorized and empowered to appoint annually a competent person, who, after being duly sworn or affirmed, faithfully and carefully to discharge his duty, shall examine and report to said court the condition and resources of said institution, specifying the same in detail, and his opinion of the ability and integrity with which the affairs of the corporation are conducted, of the prudence and safety of its investments, and the security afforded to those by whom its engagements are held; the expense of every investigation so made shall be defrayed by the said corporation.

SECTION 22. This charter shall continue in full force and effect until the second day of May, one thousand eight hundred and fifty-five, and no longer; and the legislature hereby reserves the right to alter, revoke or annul the same, whenever, in their opinion it may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice shall be done to the corporators.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 187.

AN ACT

Enjoining certain duties on the canal commissioners.

Preamble.

WHEREAS, The journals of the board of canal commissioners, and the papers on file in their office, are frequently required to be produced in evidence, on the trial of causes in courts of this commonwealth, and the originals can alone be admitted as evidence in the trial of such cause, there being no mode of attesting copies of such journals or papers provided by law ; therefore,

To procure an official seal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the canal commissioners of the state of Pennsylvania, be and they are hereby authorized to procure an official seal, engraved with such device as they may adopt, and lettered "seal of the board of canal commissioners of Pennsylvania," which shall be kept by the secretary of the board, and by him attached to all extracts of the journals of said commissioners, and copies of papers on file in said commissioners' office, which may be applied for, to be used as evidence in the trial of causes in any of the courts of this commonwealth; and said copies, when attested by the impression of said seal, shall be received in evidence, and have the same effect, as if the originals, from which they may be taken, were produced in any of the courts of this commonwealth.

Expense.

SECTION 2. The expense of procuring said seal, shall be settled and paid for in the same manner, that the contingent expenses of said board are now paid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The thirty-first day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 188.

A N A C T

To prevent the destruction of fish in the river Codorus, in York county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if any person or persons shall place, set, or drag any net or seine of any kind or description, in the waters of the river Codorus, in York county, between King's mill-dam on the south side, and Louck's mill-dam on the north-east side of the borough of York, for taking of fish, or into any bays or inlets occasioned by Louck's dam, every such person so offending or aiding therein, shall forfeit and pay a fine of five dollars for every such offence, to be recovered with costs, as debts of equal amount are recoverable by law, by any person who may sue for the same before any justice of the peace, in the name of the commonwealth of Pennsylvania, one-half to go to the informer, who is authorized to be a competent witness, the other half to be paid to the directors of the poor of York county; and if any person who shall be convicted as aforesaid, shall neglect or refuse to pay such debt or fine, and sufficient goods and chattels cannot be found whereof to levy and pay the same, the said person shall be committed to the jail of the county of York, for the term of five days, which is to be accordingly inserted in the execution for collecting such debt or fine: *Provided,* Such suit be brought within thirty days after the offence committed, and that nothing shall be construed to prevent any person from fishing for baits or crabs, with small nets as usual. Penalty for fishing with seines.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 189.

AN ACT

To authorize the governor to incorporate a company for improving the navigation of Mahoning creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That J. W. Jenks, William Campbell and James Tarrence, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first of August next, procure a sufficient number of books, which shall be opened at some place or places in the township of Young, in the county of Jefferson, and in the township of Mahoning, in the county of Indiana, and in each of them enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Mahoning navigation company, the sum of twenty-five dollars for every share of stock in said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to authorize the governor to incorporate a company for improving the navigation of the Mahoning creek.' Witness our hands this day of _____ in the year of our Lord, one thousand

Commissioners.

Form of subscription.

Notice of subscription.

proviso.

eight hundred and _____;" and shall thereupon give notice, in at least one newspaper printed in the county of Jefferson, and one in the county of Indiana, for one calendar month at least of the times and places, when and where the said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places at least one of the commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names, or in the name or names of any other person or persons who shall authorize the same, for any number of shares in the said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day for the space of ten days, or until there shall be subscribed in said books a sufficient number of shares to complete said work; and if at the expiration of ten days the books aforesaid shall not have the number of two hundred shares, the said commissioners may adjourn from time to time, and transfer the books elsewhere, until the two hundred shares aforesaid shall be subscribed: *Provided always,* That every person offering to subscribe in the said books, in his own or any other name, shall previously pay to the attending commissioner the sum of two dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

SECTION 2. That when ten persons or more shall have subscribed sixty shares or more of said stock, the commissioners may, or when the whole number of shares aforesaid shall be subscribed, the commis-

sioners, or a majority of them, shall certify to the governor, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each; whereupon, it shall and may be lawful for the governor, by letters patent, under his hand and the seal of this commonwealth, to create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers and company of the Mahoning navigation company;" and by the same name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be necessary to fulfil the intention of this act; and of purchasing, taking and holding to them, their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Letters patent.

Name.

Powers, &c.

SECTION 3. That the three persons first named, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall have been obtained, give at least twenty days notice in one or more of the public newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be delivered in person, or by proxy duly authorized, which proxy shall have been obtained, and bear date within twelve months previously to the election at which such proxy shall be presented, one president and eight managers, a treasurer and secretary, and such other officers as shall be deemed necessary to conduct the business of the said company for one year, and until like officers shall be chosen, who may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of the United States, or of this state, and may be necessary for the well governing the affairs of the company.

Organization.

Proxies.

SECTION 4. That a public meeting of the stockholders shall be held on the second Monday of September, in every year, at such place and upon such notice as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and for the determination of any questions affecting the interests of the company.

Annual meetings.

SECTION 5. That the president, managers, and company aforesaid, shall have power to open a complete slack water navigation on the aforesaid Mahoning creek, by erecting dams to raise the water of said creek for descending navigation; and the president and managers and company, shall have power to erect slopes or sluices at any of the mill dams now built, and remove the rocks or natural obstructions out of said creek, so that rafts, boats, arks and other vessels, can pass with safety.

Slack water navigation.

SECTION 6. The president, managers, and company aforesaid, shall possess like powers, privileges and authorities, and be subject to the same penalties, provisions and restrictions, as are granted to and imposed upon the president, managers and company of the Neshaming lock navigation, and shall be entitled to receive, for the whole distance of the said creek, tolls not exceeding the rates following, to wit: For every thousand feet of boards or scantling twenty-five cents, every thou-

Powers, privileges, authorities, &c.

Proviso.

sand shingles ten cents, every ark two dollars, every boat two dollars, every saw log two cents, every one hundred feet of hewed or sawed timber twelve and a half cents: *Provided always*, That any notice required to be given shall be deemed sufficient, if given in one or more of the newspapers printed in the counties of Jefferson and Indiana: *Provided also*, That nothing in this act contained shall authorize said company to injure or impair any mill dam or dams, erected on said creek, prior to the time the same was declared a public highway.

Repeal.

SECTION 7. That if it shall at any time appear that the charter and privileges granted, in pursuance of this act, are injurious to any of the citizens of this commonwealth, the legislature shall have full power to revoke and annul the same at any time they may think proper.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 190.

AN ACT

To create a third battalion out of the second regiment, second brigade, eighth division of the Pennsylvania militia, in the county of Luzerne.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the eighth and tenth companies of the second regiment, second brigade, eighth division, Pennsylvania militia, composed of the townships of Union, Ross, Huntington and Fairmount, in the county of Luzerne, shall hereafter compose a separate battalion, to be called the third battalion of second regiment, and be entitled to elect the proper officers for the same, agreeable to the existing militia laws of this commonwealth; the first election to be held at such time and place as the proper brigade inspector shall direct.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 191.

AN ACT

To encourage the destruction of foxes in Mifflin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, any person or persons who may kill any fox or foxes within the bounds of the county of Mifflin, in this commonwealth, and who shall produce the scalp thereof, having the ears thereon, before any justice of the peace in and for the county aforesaid, it shall be the duty of such justice to examine such person or persons, on oath or affirmation, touching the time when, and place **Oath.** where, such fox or foxes were taken and killed; and if the place or places of such taking and killing shall be found to be within the bounds of the county, in which such justice resides, it shall be the duty of such justice to give the person or persons a certificate of the fact, to the commissioners of the proper county, together with the scalp as aforesaid; and the said commissioners, upon the receipt thereof, shall immediately have such scalp or scalps destroyed, and thereupon draw their warrant on the county treasurer, if, for the scalp of a full grown red fox seventy-five cents, and for those that are not full grown twenty-five cents, for gray fox twenty-five cents, for each and every scalp so produced as aforesaid, and it shall be the duty of such treasurer, and he is hereby directed to pay the amount of said order. **Commissioners.**

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 192.

A SUPPLEMENT

To the act, entitled "An Act to authorize the governor to incorporate the Fishing Creek, Swatara and Schuylkill railroad company."

Preamble.

WHEREAS, By the second section of the act, entitled "An Act to authorize the governor to incorporate the Fishing Creek, Swatara and Schuylkill railroad company," approved the twenty-fifth day of April, one thousand eight hundred and forty-four, it is required that two thousand shares should be subscribed before letters patent should be issued incorporating said company: *And whereas*, The commissioners named in the said act of assembly opened the books as required, and the requisite number of shares were not subscribed to; therefore,

Stock and incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever four hundred shares shall be subscribed, under the terms and conditions required by the first section of the act to which this is a supplement, the governor shall, by letters patent, under his hand and the seal of the commonwealth, create the said subscribers into a body politic and corporate, as mentioned in the second section of the act of assembly aforesaid.

Subscriptions.

SECTION 2. That the president, managers, and company of the said railroad, are hereby empowered to receive subscriptions in land for stock, for the purpose of transferring and conveying the same to any contractor in payment, in whole or in part, for work done on the said railroad, who may be willing to receive the same in payment as aforesaid, and for that purpose only.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 198.

AN ACT

To incorporate the society of the Methodist Episcopal church, in the town of Hughesville, in the county of Lycoming, with power to sell certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Methodist society in the town of Hughesville, in the county of Lycoming, in the state of Pennsylvania, be and the same is hereby created a body politic and corporate, in deed and in law, by the name, style and title, of "The trustees of the Methodist Episcopal church, in the town of Hughesville," and by that name shall have perpetual succession; and the present trustees who have been appointed agreeably to the discipline of said church, or their successors in office, shall be able to sue and be sued, to plead and be impleaded in all courts of law and equity, and elsewhere, and shall be able and capable in law and equity, to take and to hold to them and their successors, for the use of said church, lands, tenements, goods and chattels of whatsoever kind, nature and quality, personal or mixed, which now is or shall hereafter become the property of said society, or be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person whomsoever capable of making the same, and the same to grant, bargain, sell, or otherwise dispose of for the use of said society: *Provided however,* That no such sale, disposal or alienation, shall be legally valid without first having obtained the consent of at least two-thirds of said trustees at a special meeting regularly called for that purpose, and afterwards approved by a majority of the members of the quarterly conference of the circuit or station including Hughesville: *Provided also,* That the yearly value or income of said estate shall not, at any one time, exceed two thousand five hundred dollars, and shall not be appropriated to any other than benevolent or religious purposes.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 194.

AN ACT

Relating to taxes on ground rents and real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That hereafter the assessors in the several cities, boroughs and counties of this commonwealth, in estimating real estate subject to ground rent, where there is no provision made in ground rents deeds that the lessee shall pay the taxes on the said ground rents, the assessors shall estimate and assess for taxes the said ground rents to the owners thereof.*

Repeal.

SECTION 2. That so much of the seventh section of the act, entitled "An Act to establish a uniform mode for the valuation of property and assessment of taxes," passed the fifteenth day of May, one thousand eight hundred and forty-one, as is inconsistent with this act, be and the same is hereby repealed.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 195.

A SUPPLEMENT

To an act, entitled "An Act concerning certain state and turnpike roads," approved the nineteenth day of April, A. D., one thousand eight hundred and forty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors of Juniata township, in the county of Perry, shall not be Perry county, Junia township required to open or keep in repair the state road from Rider's ferry to supervisor. the Millerstown bridge, in said county, authorized to be laid out by the first, second, third, fourth, fifth, sixth and seventh sections of the act to which this is a supplement, until the Millerstown bridge company, and the citizens of the adjoining townships, shall have subscribed to the said company the sum of two hundred dollars, and the townships the like sum of two hundred dollars, to be applied towards the payment of the expenses of opening and repairing the same, agreeably to the said sections of the said act; and so much of the said act as is hereby altered or supplied, is hereby repealed. Repeal.

SECTION 2. That the eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of the act, entitled "An Act to authorize the governor Ligonier and Somerset turnpike road. to incorporate the Ligonier and Somerset turnpike road company," approved the sixth day of September, one thousand eight hundred and forty-three, be and the same are hereby repealed.

SECTION 3. That it shall be the duty of the commissioners of Clarion Clarion and Armstrong counties. and Armstrong counties to pay the necessary expenses that may hereafter accrue for repairing the bridge over Red Bank creek, on the Olean road.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 196.

AN ACT

To incorporate the St. Mark's church cemetery, in the borough of Lewistown, Mifflin county.

Preamble.

WHEREAS, Several of the members of St. Mark's church, in the borough of Lewistown, have subscribed money for the purpose of purchasing suitable ground for a cemetery or burying ground, to be placed under the control and management of the wardens and vestry of said church:

And whereas, It seems reasonable and necessary to provide for the permanence of the establishment, so that the graves may not be violated, the shrubbery and improvements injured, or the burial lots containing the bodies of deceased friends and relatives, levied upon and sold for the debts of the living; therefore,

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Reuben C. Hale, Joseph M. Cogley, R. F. Ellis, F. W. Rawle, James K. Kelly, David W. M'Cormick, R. Rush Franks, E. E. Locke, and Samuel Kelly, wardens and vestry of St. Mark's church, in the borough of Lewistown, Mifflin county, and their successors in office, shall be able and capable in law, to purchase and hold any quantity of land, not exceeding ten acres, in Derry township, Mifflin county, for the use and purpose of a burying ground, to be called "St. Mark's Cemetery;" to make such rules and regulations in relation to the management of said cemetery, and the government of the lot-holders and visitors of the same, as they from time to time may deem necessary; to lay out, sell and convey, by deed, under the hands and seals of the wardens of said church, burial lots, with the restriction that the same shall not be used for any other purpose than for the burial of the dead, and shall not be liable to be levied upon and sold for debt, taxes, or otherwise, howsoever; and to have and hold so much personal estate as may be necessary for the right, use and enjoyment of said property, so that neither the said land or personal property shall or may be the subject of levy or sale, while used for the purposes of said cemetery.

Name.

Powers, &c.

Penalty for violating tombs or graves.

SECTION 2. If any person shall open any tomb or grave in said cemetery, and clandestinely remove, or attempt to remove, any body or remains therefrom, such person upon conviction thereof, shall be sentenced to undergo an imprisonment in one of the penitentiaries, as the case may be, for a period not less than one year, and pay a fine not less than five hundred dollars.

Penalty for trespass.

SECTION 3. If any person shall trespass on the grounds of said cemetery, or shall injure or deface the fences, shrubbery, trees, walks, burial lots, tomb-stones, railing, fixtures, personal, or other property, attached or belonging to said cemetery, or shall commit any nuisance in or about the same, every such person shall make good the damage, and pay a fine of not less than five dollars, for the use of the poor of the borough of Lewistown, to be enforced and collected in the same manner as for-

feitures under the act of twenty-second April, seventeen hundred and ninety-four, for the prevention of vice and immorality.

SECTION 4. No street, road, canal, slack-water, or railroad shall hereafter be opened through the lands of said cemetery, nor shall the same be liable to be used or taken for any purpose whatever not connected with or appertaining to burial purposes.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 197.

AN ACT

For the relief of John C. Kurtz.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John C. Kurtz, late county treasurer of Somerset county, who was charged by the auditors of said county, at the time of the settlement of his account, with a note for one hundred and fifty dollars, drawn by a certain Joshua F. Cox and John Wilt, be and he is hereby authorized to enter an appeal to such settlement in the court of common pleas of Somerset county, at any time within six months from the passage of this act; the said appeal so to be entered to be proceeded in, in all respects, as if it had been entered immediately upon the settlement of the account of the said treasurer by the said auditors.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 198.

AN ACT

To compel the president, managers and company, for erecting a bridge over the river Delaware, at the borough of Easton, to reduce the rates of toll for passing said bridge, and for other purposes.

Preamble.

WHEREAS, By an act of Assembly, passed March thirteenth, one thousand seven hundred and ninety-five, incorporating the president, managers and company, for erecting a bridge over the river Delaware, at the borough of Easton, it is permitted to the said company to provide a "growing fund" necessary for the re-building and repairing of said bridge: *And whereas*, It appears, from the official statement of the said company, that this "fund" has already been permitted to reach vastly beyond a sum necessary for the purposes mentioned in the act; therefore,

Tolls.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, it shall not be lawful for the president, managers and company, for erecting a bridge over the river Delaware, at the borough of Easton, to demand or receive from travelers, drovers, wagoners or others, crossing the bridge of said company, the rates of toll as now established by the said company; but the said company are hereby required to reduce the said rates of toll, so that the clear annual income of the same, with the annual interest and dividends of the growing fund or contingent fund, will together, give a dividend not exceeding fifteen per cent. per annum upon twenty-nine thousand seven hundred dollars, the aggregate of two hundred and ninety-seven shares of stock of one hundred dollars each, the same being and constituting the dividend capital of the said company.

Court of quarter sessions to appoint a person to ascertain profits, &c.

SECTION 2. It shall be the duty of the court of quarter sessions of Northampton county, at the next term of said court succeeding the passage of this act, and yearly thereafter, to appoint some suitable person, not a stockholder nor officer of said company, who is hereby required to ascertain the clear profits and income of said company for the preceding year, and make his report in detail to said court; whereupon, the said court shall take such further order in the premises, as will restrict and prevent the said company from charging such an amount of tolls as will exceed fifteen per centum per annum on the said clear profits and income; and it shall be the duty of said company, upon the request of said person so appointed, to exhibit to him all the books, papers, and documents of said company, together with a detailed statement, under oath or affirmation of the president or other officer, showing the receipts and expenditures of said company for the preceding year.

Annual statement.

SECTION 3. That the president, managers, and company aforesaid, shall, within ninety days from and after the passage of this act, and annually, on the first Monday in the month of January thereafter, furnish to the governor a correct statement, under the oath or affirmation of the president or secretary of said company, of the amount of the

contingent fund, the rates of toll, and the amount received, and the amount of dividends declared.

SECTION 4. This act shall not take effect until the same shall be ratified by the state of New Jersey, by the passage of a law for that purpose. Concurrence of New Jersey required.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, A. D., one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 199.

AN ACT

To incorporate the Bedford Mineral Springs railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Nicholas Lyons, John H. Hofius, Job Mann, G. Martin, David Patterson, Charles Smith Espy, L. Anderson, William T. Dougherty, George Mullin, George Bortz, William Penrose, Abraham B. Bunn, John Clark, Daniel Shuck, Peter Amick, James Ray, Alexander King, Jacob Barndollar, Samuel S. Stuckey, James M. Russell, George W. Bowman and L. H. Tate, are hereby appointed commissioners, and they or any three of them are authorized to open books at such times and places, and upon such notice as they may deem expedient, for the purpose of receiving subscriptions to the capital stock of the company hereinafter directed to be incorporated, to keep open the said books until such a subscription to said capital stock is subscribed as may be necessary to its incorporation: *Provided,* That the same are not kept open longer than twelve months, from the time of their first being opened; and if any of the said commissioners shall resign, neglect to act, be absent, or become legally incapacitated to act during the continuance of the duties devolved upon them by this act, others may be appointed in their stead by a majority of the persons named in this act. Commissioners.
Subscriptions.
Proviso.
Vacancies.

SECTION 2. That the capital stock of said company shall be three hundred thousand dollars, in shares of fifty dollars each, which said capital stock may be increased, if the exigencies of the company shall require it, by the said company, to any sum not exceeding six hundred thousand dollars; and any incorporated company, city or borough, shall have authority to subscribe thereto as fully as any individual, and such subscription and stock subscribed by any such incorporated body shall be represented at elections and other acts of said company, by any Capital stock.

Proviso.

president, mayor, chief officer thereof, or any agent duly authorized thereby, all which subscription may be required in instalments as the company may thereafter think proper: *Provided*, That not more than one-third of the money subscribed shall be required in any one year.

Letters patent.

Name.

Privileges and franchises.

Organization.

By-laws.

General meetings

SECTION 3. That as soon as one thousand shares are subscribed to the capital stock of said company, a majority of the commissioners named in this act shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, and that five dollars has been paid on each share, to the governor of this commonwealth; and thereupon the governor shall forthwith, by letters patent, under his hand and the seal of the commonwealth, erect and create the said subscribers, and such others as may thereafter subscribe to the capital stock of said company, and their assigns, into a body politic and corporate, in deed and in law, by the name, style and title, of "The Bedford Mineral Springs Railroad Company;" and by that name the said subscribers shall have perpetual succession, and besides, all the proper and necessary incidents of a corporation, shall be capable of suing and being sued, of impleading and being impleaded in all courts of record; of making, using and altering a common seal; of ordaining, establishing and enforcing, all ordinances, regulations and by-laws, necessary, convenient or proper, for the conducting and governing the said corporation; and generally, to do all and singular, the matters and things lawfully appertaining to the due management and well ordering of the affairs thereof; and that the said company shall have the power and right of purchasing, holding, selling, leasing, conveying and encumbering, by judgment, mortgage or otherwise, all such estates, real, personal or mixed, as may be necessary and proper for the objects and purposes hereinafter set forth.

SECTION 4. That a majority of the commissioners named in this act, and of such as shall have been substituted under the provisions thereof, shall, as soon as practicable after the reception of the letters patent from the governor, give three or more weeks' notice in both of the newspapers published in the borough of Bedford, and such further notice as they may deem advisable, of a time and place for the subscribers to the capital stock of said company to meet, and shall at such time and place, proceed to hold an election by ballot, and appoint judges thereof, for the purpose of electing from the stockholders, a president and six managers for the management of the affairs of said company, a majority of whom shall be citizens of Bedford county, who shall continue in office until the day hereinafter fixed for the annual election, and until other officers are elected under the provisions hereinafter set forth.

SECTION 5. That it shall be the duty of the president and managers, as speedily as convenient, and from time to time, to make, alter, and amend such by-laws as they may deem proper for the management and regulation of said company, which shall be and continue from thence in force until altered or abrogated by the general meeting of the stockholders.

SECTION 6. That there shall be a general meeting of the stockholders of said company, held in the borough of Bedford, on the first Monday of August of each and every year, for the purpose of electing a president and managers thereof, and of revising, altering, or abrogating any of the by-laws of said company, and of examining the affairs of said company, an exposition of which shall be then submitted to them by the president and managers thereof; of which meeting, at least three weeks' notice shall be given by publication in such newspapers as said president and managers shall deem best calculated to give full and effectual information.

SECTION 7. That on all occasions wherein a vote of the stockholders of said company is to be taken, the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he, she or they, shall hold in the proportions following, that is to say— For each share not exceeding two shares, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every ten shares above thirty and not exceeding one hundred, one vote; but no share or number of shares above one hundred, as aforesaid, shall confer any additional right of voting; such shares to be held by the person voting bona fide in his own right, or as husband, executor, administrator, guardian, trustee or assignee, and that corporations may vote by their chief or other officer, or agent duly appointed: *Provided always,* That no share of stock shall entitle the holder thereof to the right of suffrage, unless the same has been held by the person offering to vote, at least thirty days before the day of election; that no share of stock shall confer a right to vote on which any arrearages shall be due and unpaid at the time of election; and that in all cases when votes shall be given by proxy, the proxies shall have been obtained and bear date within thirty days of the time of the election. Votes.
Proviso.
Proxies.

SECTION 8. That the Bedford Mineral Springs railroad company, hereby directed to be incorporated as soon as the letters patent shall issue, as directed by this act, shall be and they are hereby invested with all the rights, powers, and privileges necessary for the construction and repair of a railroad from the borough of Bedford, or its vicinity, to some suitable point or points to, near or upon the southern boundary line of the state of Pennsylvania, and to join and intersect any railroad, canal, or other public improvement which has been or may be authorized by the state of Maryland, at or near such point or points as may be deemed advisable and expedient by the said company. Powers.

SECTION 9. That the said railroad company is hereby authorized and empowered, so far as the same is allowed or permitted, or may be allowed or permitted by any acts of the legislature of the state of Maryland, to enter the territory of the said state of Maryland, and to continue, construct and repair said road thereon, so far as may be necessary and proper to intersect, unite with, or approximate, for the advantage of trade, the Baltimore and Ohio railroad, at or near the town of Cumberland, in Allegheny county, Maryland, or any other railroad, canal, or public improvement, authorized, or to be authorized by the state of Maryland. Authority to intersect Baltimore and Ohio railroad.

SECTION 10. That it shall be lawful for the said company, their officers, engineers, contractors and agents, to enter upon any lands for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage; and when the route of the said road shall be determined upon by the said company, it shall be lawful for said company, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of, and use any such lands as may be necessary to carry into effect the purposes of this act; and shall also have power to enter upon any lands adjoining, or in the neighborhood of such route, and to dig, take and carry away therefrom any stone, gravel, clay, sand or earth, necessary for constructing, maintaining and repairing said railroad, or for constructing any bridges, culverts, viaducts, and other buildings, which may be required in carrying into effect the construction, maintaining and repair of said railroad; for all which compensation shall be made to the owner or owners of any such lands and materials as shall be agreed upon between the parties, or as is hereinafter pointed out. Power to enter upon lands for materials, &c.

Mode of assessing and settling damages.

SECTION 11. That when the said company cannot agree with the owners of any lands, buildings, enclosures and materials, for the purchase, lease or compensation proper for the damage done to or sustained by, or likely to be done to or sustained by any such owners of such lands and materials, which it may be necessary for said company to enter, occupy, use or pass over, or to take away, in the construction and repair of said railroad; or when, by reason of any legal incapacity of any such owner to contract, or in consequence of the absence of such owners or owner, no such purchase, lease or compensation can be agreed upon, the court of quarter sessions of the county in which such railroad is being constructed, on application thereto by petition, either by said company or owner, or any one in behalf of either, and at the costs and charges of the said company, when the application is made by said company, or when the said company is adjudged to pay damages, shall issue their precept to the sheriff of the proper or adjoining county, as said court may deem advisable, commanding said sheriff to summon twenty discreet and disinterested persons from the proper or adjoining counties, to meet on or adjoining the lands required, or from whence materials are or may be taken, or at some convenient place adjacent, in not less than ten nor more than twenty days thereafter, giving such reasonable notice as the court may designate, to both parties, as may be best calculated to advise an absent party; and if twelve or more of said jurors attend, they shall be empannelled; and if twelve do not attend, the sheriff may summon others, at a day fixed by him for that purpose, or at once; and the said twelve or more jurors being so empannelled, and sworn or affirmed, faithfully, justly and impartially, to value the lands and tenements so occupied, used or required, or intended to be occupied, used or required for such railroad and works therewith connected, and all the damages which the owner or owners will sustain, or may have sustained, by reason of the construction or proposed construction, repair, or proposed repair of the said railroad, as the case may be, taking into consideration the advantages and disadvantages of the same to the owner or owners, according to the best of their knowledge and judgment; and in case of materials taken, or proposed to be taken for the purposes aforesaid, that they will faithfully, justly and impartially, value the materials so taken or to be taken, and find the rate of compensation to be paid therefor by said company, taking into consideration the advantages and disadvantages arising to said owner from the construction of said railroad, and the works thereof; and thereupon, the said inquest shall proceed to view the lands and tenements so used or intended to be used, and the materials used or intended to be used, or if necessary, the place wherever taken or intended to be taken, and to hear the evidence of the several parties; and for that purpose shall have power to swear, or direct the swearing or affirming of witnesses, and make report of their proceedings, stating the damages assessed or compensation adjudged, and to whom payable, and in what manner, to the said court, who, upon confirmation thereof, may order such damages to be paid, or order new inquisitions, until full justice is rendered: *Provided always nevertheless*, That any owner or owners applying for a review, shall be liable for the costs of the proceedings prayed for, in case a report more favorable is not obtained on such review.

Proviso.

Bridges, causeways, &c.

SECTION 12. That the said railroad shall be so constructed by the said company, as not to impede the free use and passage of any public or private roads, which they may find it expedient to intersect; but it shall be the duty of said company to cause to be made sufficient bridges and causeways over any such roads so intersected, as soon as expe-

dient, so as to enable all persons and vehicles to pass over the railroad with safety and convenience, and to maintain such causeways and bridges in good repair; and said company, for the accommodation of all persons owning or possessing lands through which said railroad may pass, shall cause to be made good and sufficient bridges or causeways, at such convenient places as the owner or occupier may designate, so as to enable such owner or occupier, and others, to pass over the same with wagons and other vehicles with safety: *Provided always*, That **Proviso.** the said company shall not be obliged to make more than one bridge or causeway upon each plantation or lot of ground.

SECTION 13. That the said company shall permit at any time such bridges or causeways to be made across said railroad, at the intersection of any public or private road, as the reviewers laying out the same may deem expedient: *Provided*, That the same are so made as not to impede or render inconvenient the passage of the cars and carriages upon said railroad, and the said company shall also permit any owner of lands, through which the said railroad may pass, to erect such bridges or causeways as the court of quarter sessions of the county may adjudge convenient and proper, upon views and reviews, conducted as required by the general road laws of this commonwealth: *Provided*, The same **Proviso.** are so constructed as not to impede or render inconvenient the passage of cars and carriages upon such railroad.

SECTION 14. That as soon as any portion of said railroad is completed, the said company shall have power to place thereon cars, carriages or wagons, constructed as they may deem best adapted for the transportation of passengers and commodities, and shall also have power to permit individuals to place such cars, carriages or wagons thereon, of such construction, and under such limitations and restrictions as they may deem proper; and the said company is hereby authorized to charge and take toll for freight and transportation of passengers, goods, wares, merchandize and commodities, at such rates as the president and board of managers of said company may from time to time establish. **Regulation of cars, carriages, tolls, &c.**

SECTION 15. That any person or persons who shall wilfully and maliciously, by any means injure or destroy any part of the railroad constructed by said company, or any of the works, buildings, vehicles, machines, engines, implements, or materials of said company, such person so offending, on conviction thereof, shall be punished by fine and imprisonment at the discretion of the court, in the county jail of the county of Bedford, for any term not exceeding three years. **Penalty for injuring works.**

SECTION 16. That no stockholder indebted to the company shall be allowed to transfer his stock, or any part thereof, or to receive any dividend or any portion thereof, until such debt is discharged or satisfactorily secured. **Transfer, dividends, &c.**

SECTION 17. That if after thirty days' notice in the public papers of the time and place appointed for the payment of any instalment of the said capital stock, any stockholder shall neglect to pay such instalment at the place and time appointed, for the space of thirty days after the time so appointed, every such stockholder or his assignee, shall, in addition to the instalment so called for, pay legal interest thereon, from the time such instalment was required to be paid; and if such stockholder shall neglect the payment thereof for the space of ninety days, the said company shall have the right to declare the said stock and all the payments thereon, forfeited to the company; and after such declaration of forfeiture, the said stock and payments shall be vested in said company, to whom power is hereby given to sell and dispose of the same for the use of the said company: *Provided always*, That the said company **Penalty for neglect to pay instalments.**

shall have the power to sue for and recover such instalment at their election.

Annual or semi-annual dividends.

SECTION 18. That the president and managers of the said company, shall, annually or semi-annually declare and make such dividend as they may deem proper, of the net profits arising from the resources of the said company, after deducting the current and probable contingent expenses; and they shall divide the same among the proprietors of the stock of the said company, in proportion to their respective shares; that when the said dividends exceed ten per cent. per annum, the tolls and charges for freight shall be so reduced as to keep the per centage below that amount; and that an annual statement of accounts, under oath, shall be made to the legislature by the president or treasurer of said company: *Provided always*, That until the completion of the main line of the said railroad, the said president and managers shall have the power, if they deem it expedient, to apply the whole of the profits aforesaid, to the construction and completion of the said road: *And provided also*, That no declaration of dividends shall be so made as to impair the capital stock of the said company: *And provided further*, That whenever the dividends exceed six per cent. per annum, the said company shall pay a tax of eight per cent. on all such dividends above six per cent. into the treasury of this state for the use of the commonwealth.

Proviso.

Powers of commissioners.

SECTION 19. That the commissioners appointed in the first section of this act, shall have the power to manage and conduct the affairs of the company hereby incorporated, until the officers thereof shall be elected as directed by this act: *Provided*, That the said company shall not at any time, be directly or indirectly engaged in any banking or commercial or manufacturing concerns.

Commencement and completion limited.

SECTION 20. That if the president, managers and company, shall not proceed to carry on said work within five years from the passage of this act, and shall not complete the same as aforesaid, in ten years, according to the true intent and meaning of this act, or if after the completion of said railroad, the said company shall suffer the same to go to decay and be impassable for the space of two years, then this charter shall become null and void, except so far as to compel said company to make reparation for damages.

Repeal.

SECTION 21. That if the said company shall, at any time, misuse or abuse any of the privileges hereby granted, the legislature may resume all and singular the rights and privileges hereby granted to the said company: *Provided*, That the state may at any time after the expiration of thirty years, have the privilege of purchasing the entire interest and property of the said corporation, at a just and reasonable valuation and appraisement, to be made in such manner as may at any time hereafter be provided for by law.

State may purchase works.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 200.

A N A C T

Relative to roads and bridges, in the county of Mercer, and to correct an error in the act of the seventh May, one thousand eight hundred and forty-four, entitled "An Act relative to roads and bridges, in the counties of Crawford, Clearfield and Greene," and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of an act, entitled "An Act relative to roads and bridges, in the counties of Crawford, Clearfield and Greene," approved the seventh day of May, one thousand eight hundred and forty-four, be and the same is hereby extended to the county of Mercer, and that the word county, where it first occurs in the second line of the seventh section of said act, read township, and the word supervisors, in the fifth line of the eighth section of said act, read commissioners: *Provided,* That the sum authorized to be collected in money, by the fourth section of said act, shall not in any one year, in the county of Mercer, exceed twelve and one-half per cent., and that this act shall not go into effect before the third Friday of March, one thousand eight hundred and forty-six. Proviso.

SECTION 2. That from and after the passage of this act, the Royer's Ford bridge company shall not demand toll from any person attending funerals or schools, or going to or returning from any militia trainings, or going to and from elections or attending divine service on the Sabbath day; and the said company may demand and receive toll on sleighs and sleds for crossing over said bridge, at the rate of six and one-fourth cents for each horse drawing the same; anything in the act, entitled "An Act to incorporate the Royer's Ford bridge company, over the river Schuylkill, at said ford," approved the twenty-seventh February, Anno Domini, one thousand eight hundred and thirty-nine, as is hereby altered or supplied, is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 201.

A N A C T

Relating to notaries public in Delaware county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of an act, entitled "An Act to enable the governor to appoint notaries public, and for other purposes therein mentioned," approved the fourteenth day of April, one thousand eight hundred and forty, as renders, or has been construed to render justices of the peace intelligible to the office of notary public, be and the same is hereby repealed, as far as relates to Delaware county.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 202.

A N A C T

Incorporating East Waterford, in the county of Juniata, into a borough.

Boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the town of East Waterford, in the county of Juniata and territory, included within the following boundaries, to wit: Beginning at a hickory stump on Tuscarora creek, near the mouth of Horse Valley run; thence west forty-seven perches to a black oak at a spring; thence north sixty-two degrees west thirty-two perches to a white oak; thence north eighty degrees west forty-eight and a-half perches to a sugar tree; thence south sixty-nine degrees west twenty-eight perches to a red oak; thence south twenty degrees east one hundred and fifty-eight perches to a red oak; thence north forty-nine degrees east one hundred and sixty-four perches to a locust; thence north thirty-two degrees west thirty-seven and a-half perches to the place of beginning; is hereby erected into a borough which shall be called and styled the borough of East Waterford.

Name.

SECTION 2. That the inhabitants of said borough, entitled to vote for **Annual election.** members of the general assembly, having resided therein ten days immediately preceding the election, shall, on the third Friday of April next, and annually thereafter, on the same day which now is or hereafter may be fixed by law for the election of constable and other township officers within this commonwealth, meet at the school house in said borough, and then and there, between the hours of one o'clock and seven o'clock, P. M., elect by ballot one of the citizens, who shall be styled the burgess of said borough, and four other citizens to be styled the town council, one street-commissioner, and two justices of the peace, all of whom shall be residents of said borough; which election shall be in all respects conducted in the same manner as is provided by **Mode of conduct-** law for the election of township officers within this commonwealth; **ing election.** and shall be subject to the same penalties or mal-practices, except that the certificates of the election of burgess, town council, and other borough officers, shall be filed among the records of the corporation; and duplicate certificates of said election shall be signed by the judges, one of which shall be transmitted to each of the persons elected: *And provided,* That in case of death, resignation, removal, or refusal to accept of any of said offices, the vacancies may be supplied by a new election, in all cases where, by existing laws, there is not provision made for supplying vacancies by appointment: *And provided further,* **Vacancies.** That for the first election to be held under this act, it shall be the duty of Josiah M'Mean, William J. Kirk, Samuel M'Williams, and John Sarvis, or any one of them, to give notice and perform all the duties **Notice of elec-** enjoined on constables by the existing laws relative to township election. tions; and in case no election shall be held on the first day mentioned, they shall appoint some other day, and perform said services; but previous to opening of such election, such of the citizens entitled to vote as aforesaid, as may be present at the time and place of opening the same, shall choose one judge and two inspectors, and two clerks thereof, who shall be sworn or affirmed, in the same manner as is provided by law for swearing or affirming election officers, and they shall perform the duties required of them by law relative to township elections.

SECTION 3. That the burgess shall be president of the council, and **President of** shall have and exercise all the rights and privileges of a member thereof **council.** in every respect.

SECTION 4. That the burgess and town council shall meet on the first **Meetings.** Monday next succeeding their election, in each year, and as often thereafter as occasion may require; three members shall constitute a quorum **Quorum.** to do business, and the proceedings of a majority of a quorum, when there is one formed, shall be valid; they shall have power, in the absence of the burgess, to elect a president pro tem., who shall, in the case of death, resignation, refusal to accept or to act, or inability of the burgess to attend, perform all and every duty enjoined on the burgess, or in his absence, the president pro tem. shall have power to call special **Special meetings.** meetings of the council, but in all cases of special meetings, personal notice shall be given to each member, unless absent from the borough; the burgess and members of the town council shall, in all cases, continue to hold their respective offices until their successors shall be duly elected and qualified.

SECTION 5. That if any person duly elected burgess or member of **Penalty for neg-** the town council, and having received notice thereof, as directed by this **lect to accept** act, shall refuse or neglect to take upon himself the execution of the **office.** office to which he shall have been elected, or having taken upon himself such duties, shall neglect to discharge the same according to law, every such person so refusing or neglecting, shall, for every such offence, pay

and forfeit the sum of five dollars; and every other officer elected or appointed by virtue of this act, or the by-laws or ordinances of the town council aforesaid, who shall refuse or neglect to take upon himself the execution of such office, or having accepted the same, shall refuse or neglect to perform the duties thereof, shall, for every such refusal or neglect, pay a fine not exceeding five dollars, at the discretion of the burgess, which fines, and all other fines that may be incurred under this act, or any of the by-laws or ordinances of the town council, shall be for the use of the said corporation, and shall be recovered in the name of the burgess and town council of the borough of East Waterford, as debts of like amount are recoverable by law: *Provided*, That no person shall be compelled to serve more than one year in any term of three, and the payment of a fine shall be equivalent to a service of one year in any office: *And provided further*, That nothing herein contained shall be construed, to exonerate any constable or other officer from the payment of any fine or penalty imposed by the existing laws, or that may hereafter be enacted, for refusing to serve in such office.

Proviso.

Oath.

SECTION 6. The burgess shall take and subscribe an oath or affirmation, before one of the judges of the court of common pleas, or a justice of the peace of the said county of Juniata, to support the constitution of the United States, and of the state of Pennsylvania, and to execute the office of burgess of East Waterford with fidelity, and when so qualified, he shall administer an oath to each of the members of the town council, high constable, town clerk, clerk of the market, (if one shall be appointed,) and such other officers as shall be appointed or elected under this act, or any by-law or ordinance of said borough, before they shall enter upon the duties of their respective offices, which oath or affirmation so taken and subscribed, shall be filed among the records of the corporation.

Name.

Powers, &c.

SECTION 7. That from and after the third Friday in April next, the burgess and town council duly elected, and their successors, shall be one body politic and corporate, by the name and style of the burgess and town council of the borough of East Waterford; and shall have perpetual succession, and shall be capable in law to have, receive, hold and possess, goods and chattels, lands and tenements, rents, liberties, jurisdictions, franchises, hereditaments, to them and their successors, in fee simple, or otherwise, not exceeding the yearly value of two thousand dollars; and also to grant, sell, let and assign the same; and shall be capable in law to sue and be sued, plead and be impleaded, in any of the courts of law in this commonwealth, in all manner of actions whatever; and to have and use one common seal, and the same from time to time, at their will, to change and alter.

By-laws.

Improvements.

Taxes.

SECTION 8. That the town council shall have power to pass and enact by-laws, rules and regulations, and ordinances, as they may deem necessary to promote the peace and good order, and general welfare of the inhabitants, and well being of said borough; and for the purpose of improving and keeping in good order the sidewalks, streets, lanes, alleys, common grounds, or other property whatsoever, that has heretofore been granted to the use of the citizens of East Waterford, or that may hereafter be granted to the use of the corporation; and for removing nuisances and obstructions therefrom; and the same to alter, make, renew or annul, as the occasion may require; and also assess, levy and collect, and appropriate such taxes, as shall be necessary to carry their rules and ordinances into effect; which said taxes shall not exceed in any one year three mills on the dollar, except by consent of two-thirds of the taxables of the borough, to be certified under their hands to the town council for that purpose. They shall have authority to obtain

materials for improving the streets, lanes, alleys and public grounds, and order and direct the manner and ways in which the same shall be improved, repaired and kept in good order. They shall annually appoint a town clerk, treasurer, collector of taxes, clerk of the market, when necessary, and such other officers as they may deem expedient, and the same to remove at pleasure; the members of the council shall not receive any compensation for their services as members of the council. The council may remit any fines or penalties that may be incurred by or under this act, or any of the by-laws or ordinances, when in their judgment it may be proper so to do: *Provided*, That no by-law, rule, regulation or ordinance of said corporation, shall be repugnant to the constitution and laws of the United States, or of this commonwealth; and that no person shall be subjected to any fine or punishment, for a violation of any by-law or ordinance of said borough, until after six days shall have expired after the promulgation thereof, by at least four copies of the same being put up at the most public places within the said borough, and signed by the president or president pro tem., and attested by the town clerk. It shall be the duty of the burgess to cause all the by-laws and ordinances of the council to be carried into effect, and to do and perform all such other services as may be enjoined on him by the same. Officers.

SECTION 9. That it shall be the duty of the burgess to issue his warrant to the collector, as often as occasion may require, commanding him to collect the taxes assessed by the town council, a list or duplicate of which shall be made out and delivered to said collector, and to pay the same to the treasurer; and the collector shall have the power and authority, in the collection of said taxes, as the collectors of county rates and levies, and may be proceeded against in the same manner that the county treasurer or county commissioners are authorized by law to proceed against the collectors of county taxes, when they neglect to collect or pay over the amount of the duplicates according to law: *Provided*, That the town council may hold appeals, hear any complaint in relation to the assessment of the said taxes, and grant relief as may seem best at any time; and also exonerate the collector from the payment of any taxes that may be impracticable to collect; and in all cases of any tax assessed upon any vacant or unseated land in said borough, and the taxes remain unpaid, it shall be lawful for the collector to certify the same to the commissioners of Juniata county, in the same manner as the supervisors of the roads are authorized by law to return road taxes on unseated lands; and the county treasurer shall in like manner collect the said taxes, or sell and convey the lot or lots for the payment of the same, and pay the money into the treasury of the borough, or to whatever it may belong. Collection of taxes.

SECTION 10. That it shall be the duty of the town clerk to attend all meetings of the town council, when assembled on business of the corporation, and perform the duty of clerk thereto, and keep and preserve the corporate seal and records of the corporation, and be answerable for the same, and also for the faithful discharge of all the duties that may devolve upon him by this act, or of the acts of the corporation. He shall keep a fair journal of the proceedings of the town council, in a book to be provided for that purpose, and shall enter all by-laws and ordinances adopted by the council, in a separate book for that purpose, and when signed by the president, shall attest the same. He shall certify copies under the seal of the corporation, which copies, of any book, paper, by-laws, ordinance, or proceeding of the council, when so certified and attested by the clerk, shall be good evidence of the thing certified. He shall deliver over to his successor, the seal and all the Clerk's duties.

books, papers, and other things belonging to the corporation, and upon neglect or refusal to do so upon demand made, he shall forfeit and pay a fine of not less than fifty dollars, and be accountable for all damages sustained by the corporation, to be recovered as like debts and damages are by law recoverable.

Treasurer's duties.

SECTION 11. That it shall be the duty of the treasurer to receive moneys due to the corporation, whether for taxes, fines, donations, or in any other way, and to pay out of the same on orders of the president or president pro tem. He shall keep fair accounts of his receipts and payments, and settle his accounts with the town council, whenever they shall require the same to be done, and pay over all moneys or balances found in his hands, and deliver to his successor in office, all books, papers, and accounts belonging to the corporation or pertaining to his official duties, when demanded, for which he shall give bond to the burgess and town council, with sureties thereon, as they may require.

Moneys, how drawn, &c.

SECTION 12. That no moneys shall be drawn from the treasury, but by the authority of the council, or orders signed by the president thereof, and attested by the clerk. It shall be the duty of the town council to settle the accounts of the treasurer, street commissioner, collector of taxes, and of the several officers, annually, and to cause a fair statement showing the receipts in the treasury, and how the same shall have been expended, to be published by the town clerk every year, in the manner prescribed by said town council.

Constable.

SECTION 13. It shall and may be lawful for persons entitled by law to vote for burgess and other officers of the borough of East Waterford, at the time and place where they vote for borough officers, to elect two citizens of said borough, for constables, and return the names of the persons so elected, to the next court of quarter sessions of the said county, one of whom shall be appointed constable of said borough, in the like manner, with the like powers and authority, and receive like fees, and be subject to regulations and penalties as are provided and contained in the laws now existing, or that may hereafter be passed concerning constables within this commonwealth; and the said constable so appointed, shall do and perform all the duties required to be done by the high constable of said borough, in pursuance of this act, and of the by-laws and ordinances of said borough.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 203.

AN ACT

To authorize the governor to incorporate the M'Sherrystown and Hanover turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William M'Sherry, esquire, John Busbey, esquire, Jacob Dellane, Commissioners. Joseph Sneeringer, Abraham Reiff, Jacob Wortz, and John L. Gubernator, of the county of Adams, and Jacob Wort, and Joseph G. Schmidt, of the borough of Hanover, county of York, be and they are hereby appointed commissioners to do and perform the duties hereinafter mentioned, that is to say : They shall, on or before the first day of June next, procure one or more books, and enter therein as follows, viz : " We, whose names are hereunto subscribed, do promise to pay to the Form of subscrip- president and managers of the M'Sherrystown and Hanover turnpike tion. road company, the sum of thirty-three dollars and thirty-three and one-third cents, for every share of stock in said company set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act, entitled 'An Act authorizing the governor to incorporate the M'Sherrystown and Hanover turnpike road company.' Witness our hands, the day of Anno Domini, one thousand eight hundred and forty-five ;" and shall, thereupon, give such public notice in one or more public newspapers, Notice of sub- printed in the counties of Adams and York, as they shall think neces- scription. sary, of the times and places when and where the said books shall be opened to receive subscriptions for the stock of said company, at which times and places one or more of said commissioners shall attend, and permit all persons of lawful age, who shall offer to subscribe in said books, in their own names, or in the name or names of any other person or persons who shall duly authorize the same, for any number of shares in said stock, and the said books shall be kept open for the purpose aforesaid, at least six hours in each juridical day for the space of ten days, or if necessary, until two hundred and seventy shares of stock shall have been subscribed therein ; and if at the expiration of the said six days, the books aforesaid shall not have the number of shares aforesaid, the said commissioners, of whom a majority shall constitute a quorum to transact business, may adjourn from day to day, or time to time, and transfer the books elsewhere, until the said number of shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid, or a majority of them, shall give such public notice as the occasion may require, and when the whole number of shares subscribed in the books shall amount to the number aforesaid, and three dollars and thirty-three and one-third cents on each share shall have been paid on each share, said books shall be closed.

SECTION 2. That when one hundred or more shares shall have been subscribed, said commissioners, or a majority of them shall certify, under their hands and seals, the names of the subscribers, the sums of money actually paid in on subscription, and the number of shares sub-

Letters patent.	scribed by each, to the governor ; whereupon, he shall by letters patent, under his hand and the seal of the state, create and erect the subscribers into one body politic and corporate, in deed and in law, by the name
Name.	and style of the " M'Sherrystown and Hanover turnpike road company;" and by the same name the subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of the act, and of purchasing, taking, and holding to them and their successors and assigns, and of selling, transferring, and conveying, in fee simple, or for any less estate, all such lands, tenements, and hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.
Organization.	SECTION 3. That the commissioners, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall be obtained, give notice, as aforesaid, of the time and place appointed for the said subscribers to meet, in order to organize the said corporation, and to choose, by a majority of votes of the said subscribers, by ballot, either in person or by proxy, duly authorized, out of their own body,
Officers.	one president, eight managers, one treasurer, and one secretary, (the treasurer and secretary to be selected from among said eight managers,) and if necessary, other officers, to conduct the business of said company until the first Monday of June then next ensuing, and until like officers shall be chosen ; on which day, and annually thereafter on said day, the company shall hold their election for officers as above mentioned; and the said company, when so organized, may make such by-laws, rules and regulations, as do not contravene the laws and constitution of the United States, or of this commonwealth, and that may be necessary for the well governing of the affairs of the said company; and may make and have a common seal, the same may break, alter or renew at their pleasure: <i>Provided</i> , That each person shall be entitled
Annual election.	to but one vote for all shares of stock by him or her held under three ; and for every additional three shares one vote shall be allowed, not exceeding twelve ; but no share or number of shares, above twelve, shall entitle the holder to a vote at any election or meeting of said company: <i>And provided also</i> , That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, or be entitled to a dividend of the profits of said company, unless the whole sum due and payable on the share or shares by him or her held, at the time of such election or meeting, shall have been fully paid and discharged.
Proviso. Votes.	SECTION 4. That the president and managers shall procure printed, certificates for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person for every share by him, or her, or them subscribed or held, her she or they paying thirty-three dollars and thirty-three and a third cents for each share by him, her or them subscribed ; which certificates shall be transferable in person or by attorney, duly authorized, in the presence of the president and treasurer ; and the assignee holding any certificate, having first caused the copy of the assignment to be entered in a book of the company, to be kept for that purpose, and filing said certificate among the records of said company, may, if
Certificates of shares.	
Transferable.	

he choose, have a new certificate issued in his own name, and in any event shall be a member of the corporation; and for every such certificate assigned, or new one issued, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote at elections and meetings as aforesaid.

SECTION 5. That if any treasurer elected by virtue of this act shall Treasurer. die, resign, or refuse to give such security for the faithful discharge of the duties of his office as the board of managers may direct and require, or having given the security required, shall neglect or refuse to take upon him and perform all the duties of his said office, it shall be the duty of said managers, for the time being, to appoint some suitable person as treasurer; which person, when so appointed, shall hold the office to which he shall have been appointed until the next election by the stockholders, on his giving the requisite security, and until a successor shall be duly elected and give the security required.

SECTION 6. That it shall and may be lawful for the said president and managers, or a majority of them, their superintendents, surveyors, engineers, artists and chain bearers, to enter into and upon all and every, the lands, tenements and enclosures, in and through and over which the said intended turnpike road may be thought proper to pass, and for that purpose to examine the ground, and the quarries of stone and gravel and materials, that may be necessary in making and constructing said road, and to survey, lay down, ascertain, mark, and fix such route for said road, as in their best judgment and skill will combine shortness of distance, with the most eligible ground between the west end of M'Sherrystown, and through said town in the county of Adams, and the limits of the borough of Hanover, in the county of York, at or near where the borough lines cross the Hanover and Carlisle turnpike road. Power to enter upon lands, &c.

SECTION 7. That the said president and managers, a majority of whom, for all purposes, shall be a quorum, shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose, and shall have full power and authority to appoint, agree or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary to make and construct said road, and collect the tolls hereinafter mentioned and authorized, and to fix the compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares, in order to carry on the work, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a quorum of the managers, and attested by the secretary, to be entered by the treasurer in a book for that purpose, and all orders to be filed by him; and to do and transact all other acts, matters and things, as by the by-laws, orders, and regulations of the said company shall be entrusted to them. Quorum. Construction.

SECTION 8. That if any stockholder, whether original subscriber or assignee, after three weeks' notice in a newspaper printed in the counties of Adams and York, of the time and place appointed for the payment of any instalment or proportion of said capital stock, shall neglect to pay such proportion at the time and place appointed, for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the instalments so called for, pay at the rate of two per centum per month, for every delay of such payment; and if the same and additional penalty shall become equal to the sums before paid in part on account of such share, the same may be forfeited by and to the said company, and may be sold by them for such price as can be obtained therefor, or in default of payment of any stockholder of Penalty for neglect to pay instalments.

any such instalment as aforesaid, for the space of thirty days as aforesaid, the said president and managers may, at their election, cause suit to be brought before a justice of the peace, or in any court having competent jurisdiction for the recovery of the same, together with the penalty aforesaid.

Damages, mode
of assessment
and payment.

SECTION 9. That it may be lawful for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught and burden, to enter into and upon the lands contiguous and near to which the said road shall be made or constructed, first giving notice to the occupiers thereof, and doing as little damage thereto, as possible, and making amends for damages, upon a reasonable and equitable agreement of the parties, or if they cannot agree, then upon a just and equitable assessment, to be made upon oath or affirmation, by three disinterested freeholders, or any two of them, to be mutually chosen, or if either party shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace of Adams or York counties, wherever the cause of dispute arises, and who shall not be interested therein, and upon tender of the value thus assessed, to dig, take, and carry away any timber, stone, sand, earth, or other materials suitable or necessary for making said road; and to remove or cause to be removed any fences, trees, or other obstructions in any way impeding or hindering the making and construction of said road.

Moneys, ex-
penses, &c.

SECTION 10. That the said president and managers shall keep fair and just accounts, as well of all moneys received by them, as of those paid, laid out, and expended in the prosecution of said work, and shall, at least once a year, submit their books and accounts to a general meeting of the stockholders, to be held on the first Monday of June, annually, on which day, or within five days thereafter, the dividends are to be made out and declared; and whenever it shall be ascertained that the capital stock of said company is not sufficient to complete said road, according to the true intent and meaning of this act, it shall and may be lawful for the president and managers, at a stated or special meeting convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent as they shall deem sufficient to accomplish said work; and to demand and receive the money subscribed for such additional shares, in like manner, and under the like penalties as are provided by this act, in the case of the original subscriptions.

Annual meeting.

Dividends.

SECTION 11. That the president and managers shall have power to erect good and sufficient bridges over all the streams of water crossed by said routes, and to build culverts whenever the same may be necessary, and to use any bridge or bridges now constructed over any streams crossed by said route, and shall cause a road to be laid out, not exceeding forty feet in width, and shall cause at least eighteen feet of said width to be made an artificial road, with shoulders of eight inches deep, well filled with pounded stone, gravel, or other proper and durable materials, pounded sufficiently fine to pass through a four inch ring, as the nature of the ground will require; to be constructed in such manner that there will be a gradual rise to the centre, by a gradual arch to the height of fourteen inches from the level, and in no place of said road shall there be an elevation of more than five degrees from a horizontal line, and shall forever thereafter maintain and keep the same in good order and repair: *Provided also*, That it shall and may be lawful for the said president and managers, whenever they may deem it necessary, to cut down and prostrate any timber or trees of any kind on each or either

Bridges, &c.

Proviso.

side of the said road, within a distance not exceeding thirty-feet from the centre of said road.

SECTION 12. That whenever, and as soon as the said company have finished one mile or more of said road, the president thereof may give notice to the governor, who shall, thereupon, forthwith appoint three skilful, judicious and disinterested persons to view and examine the same, and report, on oath or affirmation to him, whether the road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, (and the like proceedings to be had whenever said road is finished,) and if their report be in the affirmative, then the governor shall, by license, under his hand and the seal of the state, permit and suffer said company to erect one gate or turnpike upon and across said road, and to collect from all persons travelling the same, otherwise than on foot, the tolls hereinafter authorized and granted : *Provided*, That all persons attending funerals, militia parades and trainings, divine worship, academies or schools, shall at all times be exempt from the payment of any toll on said road. License.

SECTION 13. That the said company having perfected the said road, or such part thereof, from time to time as aforesaid, and the same being examined, approved and licensed as aforesaid, it shall and may be lawful for them to appoint such and so many toll gatherers as may be necessary for two gates, which, when said road is finished, they are hereby authorized to erect upon and across said road to collect and receive of and from all and every person or persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person or persons riding, leading, or driving any horse, cattle, hogs, sheep, sulkey, chair, chaise, phaeton, buggy, barouche, cart, wagon, wain, sled, sleigh, or other carriage of burden or pleasure from passing through the said gates, until they shall have respectively paid the same, that is to say: For persons travelling, driving, or going the whole distance and returning the same day, the following sums of money, and for any part less than the whole distance and returning the same day, one-half of said sums of money, or for any greater or less number of sheep, hogs or cattle, in proportion, to wit: For every score of hogs, three cents; for every score of sheep, two cents; for every score of cattle, eight cents; for every horse or mule, laden or unladen, with his rider or leader, two cents; for every sulkey, chair, chaise, with one horse and two wheels, four cents; and with two horses, six cents; for every buggy, barouche, coach, phaeton, chaise, stage, empty wagon, coachee or light wagon, with one horse and four wheels, six cents; for either of the carriages last mentioned, with two horses, eight cents; for either of the carriages last mentioned, with four horses, twelve cents; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and of horses drawing the same; for every sleigh or sled, two cents for each horse drawing the same; for every loaded cart, wagon, or other carriage of burden, whose wheels do not exceed four inches in breadth, for every such cart three cents; and for every such wagon or other carriage of burden, six cents; and two cents additional for every horse; and when any such carriage as aforesaid shall be drawn by oxen or mules, in the whole or in part, two oxen shall be estimated as equal to one horse, and every ass or mule as equal to one horse, in charging the aforesaid tolls: *Provided*, That the said company are hereby authorized, if they deem it expedient, to exempt all wagons having wheels or tires of six inches in breadth, from one-half of the rates or tolls to be taken by said company. Tolls. Proviso.

Powers, authorities, rights, &c.

SECTION 14. That the said company shall have all the powers, authorities, rights and privileges, and be subject to all the penalties which are given by sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of an act, entitled "An Act authorizing the governor to incorporate a company for making an artificial road from the borough of Easton, in the county of Northampton, to the town of Wilkesbarre, in the county of Luzerne, passed the eleventh day of February, A. D. one thousand eight hundred and three," so far as they are not inconsistent or incompatible with, or altered or amended by this present act, as fully as if they were here recited and passed section by section: *Provided*, That after a lapse of a number of years, as provided in the seventeenth section of this act of one thousand eight hundred and three, said tolls should yield a dividend of six per centum, a majority of the stockholders, at a stated or special meeting, shall be at liberty to decide whether to apply the surplus to an extension of said road in the direction of the borough of Gettysburg, in the said county of Adams; and if a majority shall so decide, the fact shall be certified by the president to the next session of the legislature, and said decision shall be taken as of full force, in lieu of the concluding provisions of said seventeenth section of said act of one thousand eight hundred and three, and subject to the further action of the legislature.

Proviso.

Penalty for cattle running at large.

SECTION 15. That no cattle, hogs or sheep shall be suffered by the owners thereof to run at large on said turnpike road or any part thereof, excepting droves when their owners are driving them to market, or such as may be driven by their owners to pasture, after notice given to the owner or owners of the same, under the penalty of one dollar for every such offence, to be recovered as debts of like amount are recoverable before a justice of the peace; and the owner of any farm, where a gate may be erected, may drive his horses, cattle, sheep or hogs to and from pasture where of necessity he must pass through said gate from his dwelling to any other part of his said farm, and may also pass and repass with his team for farming purposes as aforesaid free of any toll; but in driving his cattle, sheep or hogs, and passing or repassing to or from any other field, tract, or lot of land, disconnected from or not lying, adjoining and contiguous to his farm, shall not be allowed to pass free of toll.

Commissioners and supervisors of Adams and York counties, to subscribe stock.

SECTION 16. That the commissioners of Adams and York counties, and the supervisors of the townships of Conewago, Mount Pleasant, Berwick, and Union, in Adams county, and the supervisors of the township of Heidelberg, and the burgess of the borough of Hanover, in the county of York, shall be at liberty to subscribe stock in the books of said company, which stock, so taken, shall be the exclusive properties of said counties, townships and borough, and paid for by orders drawn by the commissioners on their county treasurers, by the supervisors out of their road taxes and to be allowed by the township auditors, and by orders of the burgess on the borough treasurer, and to be allowed by the town council, and they shall respectively be entitled to the number of votes stated in section three of this act.

Commencement and completion.

SECTION 17. That if the said company do not commence making the said road within five years after the passage of this act, and complete the same within ten years thereafter, then this act shall be void.

Business.

SECTION 18. That the company hereby authorized to be incorporated shall not at any time do, perform, or engage in any other business

than such as shall properly belong to the functions of a turnpike company.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The second day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 204.

AN ACT

Conferring on George P. Heller, and Phineas Marsden, the rights and privileges of children born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George P. Heller, of the town of Milford, in the county of Pike, son of Geo. P. Heller. John M. Heller and Margaret Heller, shall have and enjoy all the rights, benefits and advantages of a child born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been born in lawful wedlock.

SECTION 2. That all the rights and privileges of a child born in law- Phineas Marsden
ful wedlock, are hereby conferred on Phineas Marsden, a natural son of Margaret Marsden, late of Mount Pleasant township, Adams county, deceased.

SECTION 3. That Catharine Kelso, and Mary Jane Kelso, daughters Catharine and
of Henry B. Kelso, late of the territory of Wisconsin, deceased, shall Mary Jane Kelso.
have and enjoy all the rights, benefits and advantages of children born in lawful wedlock; and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if they, the said Catharine and Mary Jane, had been born in lawful wedlock.

SECTION 4. That Jefferson Sousser, a son of Joel Sousser and Ann Jefferson Sousser
Sousser, (late Ann Kline,) of Berks county, and born some time before the marriage of the said Joel Sousser and Ann Sousser, shall have and enjoy all the rights, benefits, and advantages of a child born in lawful wedlock; and shall be able and capable in law, to inherit and transmit any estate whatsoever, as fully and completely to all intents and purposes, as if he had been born subsequent to the intermarriage of his said parents.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 205.

AN ACT

To protect certain loanholders.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* no loan of money or contract heretofore made by any person or persons to or with the Philadelphia and Reading railroad company, shall be deemed or taken to be usurious, for or by reason of such company agreeing to pay a greater interest than at the rate of six per cent. per annum, or giving its bonds or other evidences of debt for a greater sum than the sum actually lent them; but such loans and contracts shall be deemed and taken to be lawful and valid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 206.

AN ACT

To annul the marriage contract between Elizabeth Hartman and Joseph Hartman.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the marriage contract entered into between Elizabeth Hartman and Joseph Hartman, of Northampton county, be and the same is hereby declared null and void, and the parties discharged from all obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 207.

AN ACT

Relating to the real estate of William Lownes, deceased.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That upon the petition of Thomas Betts and Doctor Thomas Chapman, trustees, appointed by the last will and testament of William Lownes, late of Bucks county, deceased, dated the seventeenth day of November, A. D. one thousand eight hundred and fourteen, the orphans' court of said county, if they shall be of opinion that the same would be advantageous to the interest of all the parties interested, may grant an order unto the said Thomas Betts and Doctor Thomas Chapman, for the sale of all that certain tract of land, with the appurtenances, situate in the county aforesaid, containing about seventy-five acres, and devised in the said will unto the said Thomas Betts and Doctor Thomas Chapman, in trust for James Lownes, and his heirs, on such terms as the said court may prescribe; and upon the approval of such sale by the said court, the said trustees shall execute a deed for the premises sold to the purchaser or purchasers thereof, in fee simple, free and discharged from the trusts mentioned in said last will and testament, and the proceeds of such sale shall be paid and distributed to and among all the parties interested, according to their respective rights and the decision of said court: *Provided*, That no such sale or investment shall be made or carried into effect until the same shall be approved by said court; and before such sale shall be made, the said trustees shall give bonds to the commonwealth, to the use of the persons interested, with such sureties and in such penalty as said court shall approve, conditioned for the faithful appropriation of the proceeds of such sale as aforesaid.

Provided.

Bonds.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 208.

AN ACT

To authorize the canal commissioners to re-examine the claims of George D. Foreman.

Preamble.

WHEREAS, By two acts of assembly, severally passed on the thirty-first day of March, one thousand eight hundred and forty-one, and on the eighth day of July, one thousand eight hundred and forty-two, the canal commissioners were authorized to settle the claims of George D. Foreman, for compensation for work done and materials furnished, in building locks numbers one and ten, on the Erie extension, and completing dams numbers four and five, and raising towing path on the Beaver division: *And whereas*, It is represented that said claims were adjudicated by the canal commissioners, with notice to the party interested, and in absence of the documentary evidence which he was prepared to lay before them; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the canal commissioners be and they are hereby authorized to re-examine the claims of George D. Foreman, for work done and materials furnished in building locks numbers one and ten, on the Erie extension, and completing dams numbers four and five, and for raising the towing path on the Beaver division, Pennsylvania canal, and report the amount which they find justly due him, if any, to the legislature, with a statement of their proceedings, and the principles upon which the award may be founded.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 209.

AN ACT

Authorizing the trustees of the estate of John T. Simpler to sell and convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That it shall be lawful for Charles Allen, Jeremiah Tallman, and William Updegraff, trustees of the estate of John T. Simpler, under a domestic attachment issued out of the court of common pleas of Lycoming county, to sell, in lots to suit purchasers, at public sale, any quantity, not to exceed five acres, of a limestone ridge, partly included within the lines of the survey of the farm of the said John T. Simpler, situate in Loyalsock township, in the county of Lycoming, and bounded by land of William Wilson, David Simpler, and the West Branch of the river Susquehanna; and to make and execute all such deed or deeds to the purchaser or purchasers, as shall be necessary to vest in them, their heirs and assigns forever, the full and absolute right and title, in fee simple, of, and to any such lot or lots of land, to be sold as aforesaid: *Provided,* That the said trustees, before executing the authority herein conferred, shall give such security as the court of common pleas of Lycoming county may deem sufficient, and in such form and amount as the said court shall direct and approve, for the due execution of the trust and the faithful application of the proceeds of sales. Security.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 210.

A N A C T

Relative to the settlement of accounts of William Power, deceased, of Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditor general of this commonwealth is hereby authorized and required to perform the duties authorized to be performed by the secretary of the land office, by the twenty-fifth section of the act of assembly, approved on the sixteenth day of April, one thousand eight hundred and thirty-eight, entitled "An Act to authorize the president judge of the district court of Allegheny county, to hold special courts in Fayette county, in certain cases, and for other purposes;" and by the tenth section of the act of assembly, approved the second day of July, eighteen hundred and thirty-nine, entitled "An Act relating to the claims of this commonwealth against the estate of John Nicholson and Peter Baynton."

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 211.

A S U P P L E M E N T

To the act incorporating the Mill Creek and Mine Hill navigation and railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Mill Creek and Mine Hill navigation and railroad company, to open, widen, and alter their railway, and extend the same across the river Schuylkill, to form a connection with the Mount Carbon and Port Carbon railroad, and that they may change the location and direction of the same, at any place between the points beginning and ending specified in their charter, including the present extension across the river Schuylkill, so that it shall not be more than

Alter railway.

five rods wide, except at points for depots and engine stations, where it may be, if necessary, eight rods wide; that the said road may cross the river Schuylkill wherever the managers may deem it expedient, subject in all cases to the damages expressed in their charter: *Provided, That* **Proviso.** the said company shall keep up and in repair, for constant use, as a branch road, the old railroad leading to the landings on the river Schuylkill, from a point from where the road, authorized to be constructed by this act, will diverge from the present railroad, near the house of William Kiehner, in the town of Port Carbon.

SECTION 2. That the said company shall not be compelled to lay a **Double track.** double track, until the managers may think the business on said road will require it; but the widening and relaying of one track, with proper turn-outs, shall be completed within eighteen months from the passage of this act.

SECTION 3. That if the said company exclude horse power from said **Locomotives.** road, they shall transport the loaded cars of all persons by locomotive steam engines, receiving said cars at the uppermost point to which the locomotives shall travel, and deliver the same at the turn-out leading to the landings at Port Carbon, or at the junction of the Mill Creek and Mine Hill, and Mount Carbon and Port Carbon railroads, as the owners of said cars shall direct; and they shall charge for the motive power at a rate not exceeding two cents per ton per mile, on coal, and other minerals and fossils, and they shall return the empty cars without further charge.

SECTION 4. That all the rights, privileges and immunities, granted **Privileges and** to this company in their original charter, and in the several supplements **immunities.** thereto, from time to time enacted, be and the same are hereby revived, extended and confirmed.

SECTION 5. That so much of the act or acts incorporating the Mill Repeal. Creek and Mine Hill navigation and railroad company. and the several supplements thereto, as is inconsistent with the provisions of this act, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 212.

AN ACT

To authorize Minor Nesbitt, guardian of Mary Ann Nesbitt and Abraham Nesbitt, second, to receive certain moneys and make conveyance of certain lands, and for other purposes.

Preamble.

WHEREAS, Mary Ann Nesbitt and Abraham Nesbitt, second, by their guardian, Minor Nesbitt, brought an action of ejectment in the common pleas of Luzerne county, to August term, one thousand eight hundred and forty-two, number three hundred and forty-seven, for certain lands in Plymouth, in said county, particularly described in the *præcipe* and writ of said action against William Kanvan and Joze Lynn, tenants of John Moyer, who came in and defended as landlords, to compel the payment of purchase money, and the plaintiffs had a verdict in the following words: "Thirteenth August, one thousand eight hundred and forty-four, The jury find for the plaintiffs subject to the condition, that if John Moyer shall pay to the plaintiffs, the sum of nine hundred and forty-one dollars and sixty-seven cents, and interest, in seven equal annual instalments, from thirteenth August, one thousand eight hundred and forty-four, and costs, the plaintiff then to make defendant a conveyance of their interest in the premises, then judgment shall be entered for the defendants."

AND WHEREAS, The defendant, John Moyer, is ready to pay the whole amount of the said judgment, and the guardian is anxious to receive the said moneys; therefore,

Guardian of
Mary Ann and
Abm. Nesbitt, to
execute deed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said John Moyer may, at any time, pay the whole amount of said judgment, interest and cost, to the guardian of said minor children, and the said guardian shall thereupon execute a deed conveying all the interest of the said minors, to the said John Moyer, in said land, which shall be deemed as good and effectual in law, to convey the interest of the said minors to the lands described in the said writ and *præcipe*, as though of full age, and conveying by deed of their own, to the said John Moyer; and the said court, upon production of the receipt in full of the said guardian, shall cause judgment to be entered on said verdict: *Provided*, That the said guardian, before the execution and delivery of the deed and the receipt of the moneys, under the provisions of this act, shall give bond with sufficient sureties, in such penalty as the orphans' court of Luzerne county may direct and approve, for the use of said minors, and with condition as required by the eighth section of the act of the twenty-ninth March, one thousand eight hundred and forty-two, entitled "An Act relating to orphans' courts."

Proviso.

Leonard Immel
to invest certain
moneys of Benj.
Batdorff and wife.

SECTION 2. That Leonard Immel, of the township of Jackson, in the county of Lebanon, committee of Benjamin Batdorff, of the same county, be and he is hereby authorized to invest in the purchase of real estate, situate within the said county of Lebanon, out of the moneys in

his hands, either as committee of the said Benjamin, or arising out of the distribution of the estate of Peter Deiffenbauch, late of the same county, deceased, in the right of Esther, the wife of the said Benjamin Batdorff, any sum not exceeding two thousand five hundred dollars; and the deed or deeds of conveyance for the property so purchased, shall be taken in the name of the said Leonard Immel, in trust for the said Benjamin Batdorff, and Esther his wife, during their lives, and the life of the survivor of them, and after the death of the survivor to the heirs of the said Benjamin Batdorff, begotten of the body of the said Esther, or on failure of such heirs, then one moiety thereof to the heirs of the said Benjamin, and the other moiety to the heirs of the said Esther, in fee simple; and after the purchase shall have been made as aforesaid, and the purchase money paid by the said Leonard Immel, the same shall be a discharge to that amount of the moneys in his hands, belonging and coming either to the said Benjamin, or to Esther his wife: *Provided*, That before any investment shall be made, as aforesaid, out of the moneys of the said Esther, arising out of real estate, the said Esther shall file in writing, in the court of common pleas of said county, her assent to the same duly, acknowledged before some judge or justice of the peace of said county, and the same to be entered on the records of the said court, and be evidence of such assent: *And provided* *Provido*. *further*, That before the payment of the purchase money as aforesaid, the court of common pleas of Lebanon county shall approve of such purchase, which approval shall be entered on the deed or deeds of conveyance aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 213.

A SUPPLEMENT

To "An Act to authorize the governor to incorporate a company for making a turnpike road from Honesdale to the Delaware river, at or near the mouth of the Great Equinunk creek, in the county of Wayne," approved the seventh day of May, Anno Domini one thousand eight hundred and thirty-two.

Certain acts re-
vived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act aforesaid, to which this is a supplement, be and is hereby revived and continued in all its provisions, for ten years, from and after the passage of this act, except such provisions of the same as are hereinafter altered, modified and amended.

Width of road.

SECTION 2. That the president and managers of the said turnpike road, are hereby authorized and empowered to construct the bed or carriage-way of said road, of the width of sixteen feet, if the same be deemed proper and expedient by a majority of the board of managers of said company.

Commissioners.

SECTION 3. That Thomas H. R. Tracy, Zenas H. Russell, Amory Prescott, Israel Chapman, Richard L. Seely and Edward Murray, be and they are hereby appointed commissioners, in addition to those named in the first section of the act to which this is a supplement.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 214.

A N A C T

Authorizing Solomon Hewit, of Greene county, to convey certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Solomon Hewit, of Greene county, natural guardian of Susan and Mary Elizabeth Hewit, minor children, under the age of fourteen years, of the said Solomon Hewit and Mary, late his wife, now deceased, be and he is hereby authorized and empowered to convey unto John W. Lynch, of Greene county, his heirs or assigns, all the right, title, interest, or claim of the said minor children, in and to certain real estate situate in Carmichaelstown, Greene county, on the payment of the purchase money by the said John W. Lynch, his heirs or assigns, it being the interest or estate sold, and agreed to be conveyed by the said Solomon Hewit and others, to the said John W. Lynch, during the lifetime of Mary, the wife of the said Solomon Hewit, as aforesaid, by an article of agreement between the parties, dated thirteenth September, one thousand eight hundred and forty-one: *Provided however,* That before such conveyance shall be made, the said Solomon Hewit shall file a bond in the orphans' court, with sufficient sureties, to be approved by the judges thereof, conditioned for the faithful appropriation of the proceeds of said sale, and that he will comply with the law in such cases made and provided.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 215.

A N A C T

To incorporate the Pittsburg and Brownsville turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph Curry, Thomas Varner, S. D. Pryor, John Wilson, William Cowen, Harvey Griffin, John Cowen, and John Y. Curry, of the county of Allegheny, are hereby appointed commissioners, and shall, on or before the first Monday of September next, procure one or more books, and enter in each of them as follows : "We, whose names are hereunto subscribed, do promise to pay to the president and managers of the Pittsburg and Brownsville turnpike road company, the sum of twenty-five dollars, for every share of stock set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, by which said company is incorporated, for the purpose of making an artificial road from the Monongahela and Coalhill turnpike, and near the top of Coalhill, in the county of Allegheny, towards Brownsville, in Fayette county. Witness our hands, the day of in the year of our Lord one thousand eight hundred and ;" and shall, thereupon, give notice in two or more of the public newspapers printed in Pittsburg, for one calendar month, at least, of the time, place, when and where the said books shall be opened to receive subscriptions for the stock of the said company ; and some one of the said commissioners shall attend accordingly, and permit all persons of lawful age, who shall offer to subscribe in their own name, or names of any other person or persons who shall duly authorize the same, for any number of shares in the said stock ; and the said books shall be kept open for the purpose aforesaid, at least six hours in every juridical day, for the space of three days, or until fifty shares be subscribed, and if after the expiration of the said three days, fifty shares shall not have been subscribed, the commissioners may adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournments and transfers such public notice shall be given as the occasion may require ; and when the whole number of shares shall amount to two hundred shares, the same shall be closed ; and every person offering to subscribe in his own name, or name of any other person, shall previously pay to the attending commissioners the sum of one dollar for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions, and such other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

SECTION 2. When ten or more persons shall have subscribed fifty or more shares, and the said commissioners, or a majority of them, shall have certified under their hand and seal, to the governor, the names of the subscribers, and the number of shares subscribed by each, it may be lawful for the governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and also all those who

Commissioners.

Form of subscription.

Notice of subscription.

Letters patent.

may afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "The president, managers Name. and company of the Pittsburg and Brownsville turnpike road;" and by the said name the subscribers shall have perpetual succession, and the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. The stockholders, or any two of them, named in the letters patent, shall, as soon as conveniently may be after issuing of the same, give notice in two or more of the newspapers published in the city of Pittsburg, of a time and place to be by them appointed, not less than twenty days from the time of the first notice, at which time and place the said subscribers, or as many of them as may be then present, shall then proceed to organize the said company, and shall choose, by a majority of the said subscribers, by ballot, in person, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of said company for one year; and from thence, until the next annual election, and until such other officers shall be chosen and organized, agreeably to the provisions of this act; and the said managers so chosen, and their successors, shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the well ordering the affairs of the said company, and shall have power to lay out, and construct and complete a turnpike road, from the termination of the Monongahela and Coalhill turnpike road, on or near the top of Coalhill, extending towards Brownsville, the distance of five miles, and following as near as practicable the course of the old Brownsville road, and generally have like powers, authorities and privileges, necessary for carrying on and completing said turnpike road, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits, in proportion to the distance finished, as are given and granted to the Pittsburg and Greensburg turnpike road company, by the several acts of this commonwealth: *Provided*, That if the said company shall not proceed to carry on the said work, in three years after the passage of this act, or shall not, within five years afterwards, complete the road, according to the true intent and meaning of this act, in either of those cases, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, privileges, liberties and franchises, by this act granted to said company.

Organization.

Officers.

By-laws.

Powers, authorities, duties, restrictions, tolls, &c.

Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 216.

A N A C T

Relating to the election of treasurer in Fayette county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That hereafter it shall be lawful for the qualified citizens of Fayette county, to re-elect the same person to the office of county treasurer: Provided, That such eligibility shall not extend beyond four years in any term of six years.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 217.

A N A C T

Relative to taxes in the borough of Williamsport.

Preamble.

WHEREAS, The qualified citizens of the borough of Williamsport, in the county of Lycoming, in the years eighteen hundred and forty, and eighteen hundred and forty-two, elected overseers of the poor for said borough, which said overseers made assessments of taxes for the maintenance of the poor of said borough, and issued duplicates for the collection thereof, charging each taxable inhabitant of the said borough, with their respective quota of tax, and proceeded to collect the taxes so assessed.

And whereas, There was no provision made by law authorizing the election of persons to serve as overseers of the poor of said borough.

And whereas, The said overseers after collecting large sums of money, and contracting debts to a large amount against the said borough, have refused to account to and settle their respective accounts with the town council of said borough.

And whereas, A large amount of the taxes so assessed as aforesaid, remain uncollected by the said overseers, whereby the burthen of taxation is rendered unequal upon the taxable citizens of said borough; for remedy whereof,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the elections of overseers of the poor in and for the borough of Williamsport, in the county of Lycoming, for the years eighteen hundred and forty, and eighteen hundred and forty-two, are hereby declared to be valid to all intents and purposes, and that the assessment of taxes made by the persons so elected overseers of the poor, shall have the same force and effect as if the said persons had been specially authorized to make said assessments; and that the said persons so elected overseers of the poor, or their successors in office, are hereby authorized and empowered to collect any of the taxes so assessed and remaining uncollected, as fully as if they had been elected or appointed by authority of law, hereby giving and granting to the said persons, or their successors in office, all the power and authority given and granted to overseers of the poor, authorizing them to collect taxes; and the said persons so elected overseers of the poor, are hereby authorized and required to settle their accounts with the town council of said borough, and in default of their settling and exhibiting to the town council, a just and full account of the amount of money received and expended by them, the said town council, are hereby authorized to institute suits or actions at law, in the name of the borough of Williamsport, against said persons so elected, for the amount of money they may have collected as aforesaid; and upon the hearing or trial of such suit or action, all legal and equitable allowances shall be made to the said persons. Certain elections declared valid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 218.

AN ACT

To vacate certain streets in the district of Spring Garden, in the county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Brown street, from Schuylkill Fourth street to Francis street; Parrish street, from Schuylkill Fourth street to the Ridge road; Schuylkill Fifth street, from Francis street to the Ridge road; and Schuylkill Sixth street, from Francis street to the Ridge road, as they are severally laid down on the plan of the tenth division of the survey and regulation of the district of Spring Garden, be and the same are hereby vacated.

Brown, Parrish,
Schuylkill Fifth
and Sixth streets,
vacated.

Authority of re-
cording surveyor.

SECTION 2. That the recording surveyor of the district of Spring Garden, be and he is hereby authorized and empowered, at the proper cost and charge of the said district, to make such alterations in the survey and regulation of the said district of Spring Garden as may be necessary, in consequence of the vacation of the streets aforesaid, and return two plans thereof to the board of commissioners of the said district; which plans, when approved of by the said board, and one copy thereof filed with the clerk of the court of quarter sessions for the city and county of Philadelphia, shall be and remain unalterable.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 219.

AN ACT

Relative to the estate of Mary Robinson, deceased, and Joanna L. Hobart, deceased.

WHEREAS, Mary Robinson, formerly of the city of Philadelphia, deceased, did by her last will and testament, bearing date on the twenty-first day of February, A. D., eighteen hundred and twenty-nine, amongst other things, authorize and empower certain trustees and devisees, in fee simple, therein named, or the survivors or survivor of them, to grant on perpetual ground rent or ground rents, all and every, or any of the vacant lots of ground of her said estate, that might be allotted to them on a division provided for in her said will, reserving thereout, payable to them, their heirs and assigns, for the same and like uses as they would have held the premises out of which the same is to be reserved, the best yearly rent, payable half yearly, that can be reasonably obtained therefor, in manner and form as set out in her said will:

And whereas, The said trustees and devisees have executed the said power by the letting of all the said vacant lots of ground, at various dates, upon ground rents redeemable in certain terms of years; and they and their said lessees have been informed by counsel learned in the law, that the said leases and conveyances so made and entered into, and so far complied with in good faith by all parties thereto, have not been made in due execution of the power so given by the will aforesaid, to create perpetual ground rents, irredeemable, and are therefore now desirous, in behalf of themselves and their said several grantees, to confirm and perfect the title thereto in their said grantees and their assigns; now therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Trustees of Mary trustees and devisees mentioned in and by the last will and testament of Mary Robinson, late of the city of Philadelphia, deceased, the survivors and survivor of them, shall have power, by all due and proper conveyances and assurances in the law to be by them executed, to confirm to and perfect the title of their said several grantees, and their heirs and assigns, to all and every portion of the real estate that was of the said Mary Robinson, deceased, which they may heretofore have granted and conveyed to them respectively, upon ground rents, redeemable at the periods and on the terms of their said several ground rent deeds; and such confirmation shall be and remain forever as full, valid and effectual, to confirm and perfect the titles, and vest the said several lots of ground in the said grantees, their heirs and assigns, for the same estate, and as fully and effectually, as if the said original grants and conveyances thereof to them respectively, had been made in the terms and words of the said will of the said Mary Robinson, deceased, and as if the said trustees and devisees had been therein and thereby authorized and empowered to reserve redeemable instead of irredeemable ground rents for the same.

SECTION 2. The said devisees, and their heirs, under the said last will and testament of Mary Robinson, deceased, shall have full power and authority to sell, grant and convey, in fee simple or otherwise, all that certain strip or piece of land, part of the estate of the said Mary Robinson, deceased, extending in front or breadth five feet or thereabouts, and in length or depth one hundred and ninety-six feet or thereabouts, back of, and bounded by land now of the Evangelical church, on Palmer street, between Prince and Queen streets, in the district of Kensington, in the county of Philadelphia.

Proof of will of
Joanna L. Hobart.

SECTION 3. WHEREAS, Joanna L. Hobart, late of Ohio, died under the age of twenty-one years, seized of certain real estate, situate in that state, having made and executed her last will and testament, whilst resident in the state of Virginia, wherein she bequeathed said real estate to a citizen of Pennsylvania: *And whereas*, By the laws of Ohio, there is no provision for the probate of wills made and executed by non-residents, for property situate therein; and such will being of no effect in Pennsylvania, the testatrix being under the age of twenty-one years at the date of said will, although the same would be good and valid in the state of Ohio, if properly authenticated; therefore, James Piper, of Fayette county, or any other person interested in the last will and testament of Joanna L. Hobart, who died in the city of Wheeling, seized of real estate, situate in the state of Ohio, is hereby authorized and empowered to make proof of said last will and testament, in the proper office of Fayette county, and such probate shall be good and valid to all intents and purposes, as if the testatrix had been a citizen of Pennsylvania, and of legal age, at the execution of said will and testament.

Joanna L. Hobart.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 220.

AN ACT

To authorize the incorporation of a company to erect a bridge over the Juniata river at Newport, Perry county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Leiby, John Fickis, Robert Mitchell, John W. Bosserman, Benjamin M'Intire, William Cumler, Abram B. Demaree, Kirk Hains, John Wiley, John Patterson, James Jackman, William Wallace, John Kibler and Benjamin Musser, of Perry county, be and they are hereby appointed commissioners to perform the duties hereinafter mentioned, that is to say: They or a majority of them, shall, on or before the first day of August next, provide one or more books for the entering of subscriptions, and shall write therein, as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company, for erecting a bridge over the Juniata river, at the town of Newport, Perry county, the sum of twenty dollars for every share of stock in the said company, set opposite to our respective names, in such manner and proportions and at such times, as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly, entitled 'An Act to incorporate a company for the purpose of erecting a bridge over the Juniata river, at the borough of Newport, Perry county.' Witness our hands this day of , one thousand eight hundred and forty-five;" and the said commissioners or a majority thereof, shall thereupon give notice in one of the newspapers printed in the county of Perry, during one calendar month at least, of the times and places when said books shall be opened to receive subscriptions, at which times and places some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each place, four successive juridical days, or until fifty shares shall be subscribed; and if said fifty shares shall not be subscribed within that period, then the said attending commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment, public notice shall be given by means of the newspapers aforesaid, or in others, as occasion may require; and when fifty shares shall have been subscribed, the books shall be closed.

SECTION 2. That as soon as fifty shares shall be subscribed, and five dollars paid on each share so subscribed to the said commissioners, then said commissioners, or a majority of them, shall certify the same, together with a list of the subscribers, and the shares by each subscribed, and that the sum of five dollars has been actually paid on each share, in writing to the governor, who, thereupon, shall constitute the said subscribers, and also, all those who may in future subscribe under the provisions of this act, a body corporate, by the name of "The president, managers and company, for erecting a bridge over the Juniata river, at the borough of Newport, Perry county," with all the privileges incident to such a corporation, who shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and the increase

thereof, and of enlarging the same by new subscriptions, if such enlargement be necessary to fulfil the purposes of this act.

Organization. SECTION 3. That the six persons first named in the letters patent of incorporation, shall, as soon as conveniently may be after sealing the same, give notice in the newspapers aforesaid, of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the corporation, and shall choose, by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person or by proxy, duly authorized, one president, five managers, and one treasurer, and such other officers as they may deem necessary to conduct the business of the company during one year, or until other officers be chosen; and the said company may make such by-laws, rules, orders, and regulations, not inconsistent with the laws of this commonwealth, as may be necessary for the well ordering of the affairs of the said company; and as soon as the said corporation is so organized, the commissioners shall pay over to the treasurer the sums paid to them, at the time of subscription, and the corporation shall pay to the said commissioners all reasonable expenses which may have attended the taking such subscriptions: *Provided however*, No person shall have more than ten votes, whatever number of shares he may hold in said company. and each person shall have one vote for each share of stock he may hold less than ten shares.

Officers.

Proviso.

Annual meeting. SECTION 4. That a public meeting of the said stockholders shall be held on the first Monday in October next, and on the first Monday of October, in each year thereafter, at such place as the rules and by-laws of said company shall fix, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interest of the company; public notice of the time and place of holding elections, to be given in the newspapers aforesaid, at least one month before the time thereof.

Certificates of shares. SECTION 5. That the president and managers shall procure printed certificates of all the shares of stock in said company, which shall be signed by the president, countersigned by the treasurer, and sealed with the seal of the company; and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer the full amount of twenty dollars, which certificate shall be transferable, either by the owner in person, or by his attorney duly authorized, in the presence of the president or treasurer for the time being; and the person to whom said certificate shall be transferred, shall stand in the place of the former holder of the certificate, and shall be entitled to the same privileges in the company.

Transferable.

Gates. SECTION 6. When the said bridge is completed as aforesaid, the property of said bridge, and its appendages, shall be vested in the said company as aforesaid, their successors and assigns forever; and it shall and may be lawful for said company, their successors and assigns, to erect a gate or gates, and such other buildings as they may deem necessary for a residence of a toll collector, and to demand and receive toll from travellers and others at said bridge, agreeable to the following rates, to wit: For every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same, eight cents; for every carriage having two wheels, for each horse drawing the same, eight cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same, fifteen cents; for every dearborne wagon, drawn by one horse, twelve and a half cents; for every chaise, or other two wheeled carriage of

Tolls.

pleasure, for each horse drawing the same, twelve and a half cents; for every sleigh or sled, for each horse drawing the same, ten cents; for every horse, mare or gelding, with or without a rider, ten cents; for every person travelling on foot, three cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in the proportion of two oxen for one horse, and in all cases a mule shall be rated as a horse; for every score of sheep or swine, twenty cents; for every head of cattle, three cents; and in no case shall it be lawful for the owner or driver of any horses or cattle, to lead or drive more than twelve head on the said bridge at the same time: *Provided*, Proviso. That any person attending funerals, any military company or detachment of this state or of the United States, persons attending divine service on the Sabbath day, all persons going to and returning from any election or military training authorized by the laws of this state, and students or children attending school or other seminary of learning, shall at all times be exempt from the payment of any toll: *And provided further*, Penalty for driving faster than a walk. That if any person or persons shall wilfully ride, drive, or lead any horse or other animal faster than a walk, when crossing said bridge, he, she or they so offending, shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered for the use of the company, as fines of like amount are by law recoverable.

SECTION 7. That the president, managers and company, shall have Powers, privileges, restrictions, &c. the same powers, authorities, and privileges for completing, maintaining, and keeping in repair the said bridge, and for fixing the rates of tolls and collecting the same, and be subject to the same duties, qualifications, restrictions, penalties, fines and forfeitures, as are given and granted, or imposed upon the president, managers and company, incorporated to erect a bridge over the Juniata river, at the town of Millers-town, approved the fourteenth day of April, Anno Domini, one thousand eight hundred and thirty-eight, entitled "An Act for the incorporation of the several bridge companies, and for other purposes."

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 221.

AN ACT

To confirm an election of directors of the Montour iron company.

Preamble.

WHEREAS, An election of directors of the "Montour Iron Company," in the county of Columbia, a corporation incorporated in pursuance of an act of assembly passed the sixteenth day of June, A. D., one thousand eight hundred and thirty-six, entitled "An Act to encourage the manufacture of iron with coke or mineral coal, and for other purposes," and the ninth and tenth sections of an act, entitled "An Act supplementary to an act, entitled 'An Act authorizing the governor to incorporate the Meadville and Titusville turnpike company, and for other purposes,'" was held on the twenty-eighth day of January, A. D., one thousand eight hundred and forty-five, at which election David Leavitt, John Rankin, Chester Clark, W. S. Packer, James Shelden, Henry Brevoort and Uriel A. Murdock, were elected directors of the said "Montour Iron Company:"

And whereas, Also, by mistake and accident, public notice of the said election, at least two weeks previous thereto, in two or more daily newspapers, was not given, as required by the second section of the first above mentioned act of assembly :

And whereas, Also, all the stockholders of the said "Montour Iron Company" have prayed that the said election of directors be confirmed and made valid ; therefore,

Directors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the election of directors of the said "Montour Iron Company," held on the twenty-eighth day of January last past, be and the same hereby is confirmed and made valid, and that David Leavitt, John Rankin, Chester Clark, W. S. Packer, James Shelden, Henry Brevoort and Uriel A. Murdock, who were elected directors at the said election, be the directors of the said "Montour Iron Company" for the period of one year from the said twenty-eighth day of January last past : *Provided,* That in the event of a failure to hold an election of directors at the expiration of the said year, the said directors may continue in office for a period not exceeding six months, or until such election shall be held.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 222.

AN ACT

Incorporating the York county savings institution.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Adam Klinefelter, Daniel Hartman, William Ilgenfritz, John Kolb, William Schall, Robert J. Fisher, Thomas B. Hambly, John G. Campbell, Michael Hoke, John Hough, Alexander Demuth, John Hartman, Peter M'Intyre, Benjamin Weiser, junior, Captain William Patterson, Jacob Drexler, Samuel Wehrly, Frederick Baugher, Martin Crull, Peter Zorger, senior, John Voglesong, James L. M'Call, Henry Latimer and Andrew M'Conkey, and all and every other person or persons hereafter becoming members of the York savings institution, in the manner hereafter mentioned, shall be and are hereby created and made a corporation and body politic, by the name and style of the York savings institution, and by that name shall have succession, and be capable by law to hold and dispose of property, to sue and be sued, plead and be impleaded, answer and defend, and to be answered and defended in courts of law and equity, or in any other place whatever, and to receive and make all deeds, transfers, contracts, covenants, conveyances, and grants whatsoever, and to make, have, and use a common seal, and the same to change and renew at pleasure, and generally to do every act or thing necessary to carry into effect the provisions of this act, and promote the object and design of said corporation.

Corporators.

Name.

Powers, authorities, rights, &c.

SECTION 2. The object of this corporation shall be to receive, from time to time, and at all times, from all persons disposed to entrust them therewith, such funds as may be deposited with them, and for which they shall pay to the depositors such rates of interest as may be from time to time agreed upon by the directors of the said institution: *Provided*, That this charter shall continue in force until the first Monday of May, eighteen hundred and fifty-five.

Object.

Proviso.

SECTION 3. There shall be a meeting of the members of the said York savings institution, on such day in the month of May next, at such place as the five persons first named in this act, or any three of them shall appoint, giving at least ten days' notice of such meeting, in two or more newspapers in the said county of York, and on such day in the month of May, and at such place annually thereafter, as the by-laws of said institution shall provide, for the purpose of choosing from among the members, thirteen directors to manage the affairs of the said institution for twelve months thereafter, and until a new election shall take place; and the five persons first named, shall be judges of the first election of directors; and the judges of all future elections, shall be appointed by the directors, for the time being, and notice of such elections, given in such manner as the by-laws shall provide.

Annual meeting.

Elections.

SECTION 4. The directors for the time being, or a majority of them, shall have power to elect a president from their own body, to appoint such officers and agents as they shall deem necessary to conduct or execute the business and affairs of the institution, to fix their compensation, and in their discretion, to dismiss them, to provide for the taking bonds to the corporation from all or any of the officers or agents by them so

Officers.

By-laws.

Proviso.

Capital stock.

Proviso.

Committee of examination.

Dividends.

Banking prohibited.

Quarterly statements.

Repeal.

appointed, with security, conditioned in such forms as they shall prescribe for the faithful execution of their several duties, and secure the corporation from loss, to provide for the investment of the funds of the corporation, in such manner as they shall deem most safe and beneficial, to provide for paying all the necessary expenses of conducting the affairs of the corporation, and generally to pass all such by-laws as shall be necessary to the exercise of the said powers, and of the other powers vested in said corporation by this charter, and the said by-laws, from time to time, to alter and repeal: *Provided*, That all such by-laws as shall be made by the directors, may be altered or repealed by two-thirds of the members, at any annual meeting, or at any general meeting called in pursuance of any by-law made for that purpose, and the majority of members may, at any annual or general meeting, pass by-laws, which shall be binding upon the directors: *Provided*, That such by-laws shall not be contrary to the laws of this state or of the United States.

SECTION 5. The capital of said corporation shall consist of five thousand shares, at twenty dollars each, to be subscribed for, and paid in at such times, and in such sums as shall be decided on by the persons herein appointed commissioners, or by a majority of such as shall attend the first stated meeting of said commissioners: *Provided*, That no individual shall be allowed to take more than one hundred shares of the stock of said corporation by subscription; in case the whole number of shares be not sold at the first opening of the books, the amount so left unsold may afterwards be disposed of, at such time and place, and under such regulations as the directors for the time being may order; and as a part of the notice required by law, previous to applying for a charter, was, by accident, omitted in the first weeks' advertisement thereof in the newspapers, therefore, it is hereby provided, that no irregularity in said advertisement shall affect the validity of this charter.

SECTION 6. It shall be the duty of the directors, at least once in every six months, to appoint from the members of the said corporation, five competent persons as a committee of examination, whose duty it shall be to investigate the affairs of said corporation, and to make a report thereof; and it shall also be the duty of the directors, on the first Monday of January and July, in each and every year, to make and declare a dividend of the interest and profits of the said corporation, after paying its expenses, and the same to pay over to the stockholders, or their legal representatives, within ten days thereafter.

SECTION 7. *Provided*, That nothing herein contained shall be so construct, as to give or extend to the said institution the power of issuing their own notes.

SECTION 8. It shall be the duty of the said institution to lay before the auditor general, quarterly statements, under the oath or affirmation of their president, of the affairs of the said corporation, at such time as the said officer shall designate.

SECTION 9. That the legislature hereby reserves the power to alter, revoke or annul the charter of said savings institution, whenever in their opinion it may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice shall be done to the corporators thereof.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.
FRS. R. SHUNK.

No. 223.

AN ACT

Authorizing the citizens of the county of Clearfield to decide whether the sale of vinous and spiritous liquors shall be continued in that county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the first day of January, Anno Domini, one thousand eight hundred and forty-six, it shall be lawful for the citizens of the several boroughs and townships of the county of Clearfield, at the annual elections for constables and other township officers in the said several boroughs and townships, to decide by their votes whether or not the sale of vinous and spiritous liquors shall be permitted among them for the then ensuing year; and it shall be the duty of the inspector and judges of the said several boroughs and townships, at the said elections, to receive tickets, either written or printed, from the qualified voters thereof, labelled on the outside "Sale of Liquors," and in the inside, "For the sale of Liquors," or "Against the sale of Liquors," and to deposit the said tickets in a box to be provided for that purpose by the said inspectors and judges, as is now required by law in case of tickets for officers to be elected at such election; and at the close of said election the votes so deposited shall be counted, and an accurate return of the same shall be made to the clerk of the court of quarter sessions of said county, to be by him laid before the judges of the said court, with the other township election returns, on the first day of the court next after such election shall be held.

Citizens of Clearfield county, to vote for or against sale of spiritous liquors.

SECTION 2. That in receiving and counting said votes, and in making returns of the same, the said inspectors, judges, and the clerks of the elections, shall be governed in all respects by the laws of this commonwealth now in force, or which may hereafter be enacted, regulating township elections; and all the penalties of the said election laws are hereby extended to the voters, judges, inspectors and clerks voting at and attending upon the election to be held under the provisions of the first section of this act.

SECTION 3. That whenever, in any of the said boroughs or townships, there shall be a majority of votes "Against a sale of Liquors," as aforesaid, then and in that case, for the year next ensuing the first day of the then next regular term of the court in said county, it shall not be lawful for any person or persons to sell vinous or spiritous liquors within such borough or township; and it shall not be lawful for the court of quarter sessions to grant licenses to any inn or tavern within such borough or township for the said year, nor for the treasurer of the county to issue any license to any retailer of merchandize for the sale of vinous or spiritous liquors within said boroughs or townships for said year; and the sale of vinous or spiritous liquors within such boroughs and townships, at any time during said year, is hereby declared to be a public nuisance, and is hereby prohibited.

Result of election to determine sale of liquor.

SECTION 4. That if any person or persons, within any of the said boroughs or townships, in which there shall have been given a majority of votes "Against the sale of Liquors," as aforesaid, shall, within one

Penalty for vending liquor.

year next after the first day of the court of the said county held next after the said election, sell and deliver, or cause to be sold and delivered, any vinous or spirituous liquors to any person or persons, such person or persons so selling shall be liable to indictment, and on conviction thereof shall forfeit and pay, for every such offence, a sum not less than twenty dollars, nor more than one hundred dollars.

Laws applicable when decision is in favor of selling liquor.

SECTION 5. That if any of the boroughs or townships in said county shall, by a majority of votes polled as aforesaid, decide "For a sale of Liquors," then the laws now in force regulating the licensing of inns and taverns, and retailers of foreign goods and merchandize, including liquors, shall remain in force and apply to the said boroughs and townships, as if this act had not been passed; and all laws hereby supplied or altered, are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 224.

AN ACT

Relating to views of roads and damages, in the counties of Monroe and Montgomery, and for other purposes.

Expenses.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter, the expenses of all views and reviews of public roads, and views to assess damages arising from the opening of public roads, in the counties of Monroe and Montgomery, shall be paid by the petitioner or petitioners therefor.

Road damages, &c., Colebrookdale township, Berks county.

SECTION 2. That from and after the first day of August next, all assessments of damages arising from the opening of any public road, or part of any public road, within the township of Colebrookdale, in the county of Berks, shall be paid by the petitioners for the road, before such public road, on the part thereof shall be opened; and the court of quarter sessions of Berks county, upon application, at any time after confirmation of any such road, shall appoint six disinterested persons to view and assess the damages, if any, which may be sustained.

Jefferson county, roads, expenses, &c.

SECTION 3. That all expenses for laying out and opening roads, in Jefferson county, be paid out of the road funds of the several townships through which the same may pass, and that all expenses for the election of township officers be paid out of the township rates and levies; also, that the several supervisors of all the townships, in the county of

Jefferson, before they enter upon the duties of their office, be required to give surety, in a bond double the amount of the sum assessed for road purposes, conditioned for the faithful performance of their respective offices, and for the faithful application of all moneys that may come to their hands; also, that the auditors of the several townships, within ten days after they shall have settled with the supervisors, to file in the office of the clerk of the quarter sessions of Jefferson county, under their oaths or affirmations, a true copy of said settlement, which said account, when so exhibited, if no exceptions are filed within thirty days, the same shall be final and conclusive, and have all the effects that a settlement made by the auditors of the county can or would have, when made with the commissioners of the county.

SECTION 4. That Jacob S. Yost, George Richards, Isaac Linderman, Streets in Norristown.
John M. Jones, and William T. Morrison, be and they are hereby

appointed commissioners, and they, or any three of them, shall have authority to view and lay out streets in the borough of Norristown, in the county of Montgomery, at the following places, and on the following lines or routes, and of such width as may be necessary, to wit: Commissioners' duties, &c.
One street from Sweede street, at or near the angle in the same near Samuel Jacoby's barn, and the west corner of William Powell's land, to the public road leading from the north-east end of Greene alley, eastwardly, by Samuel Haw's house; one street from Sweede street, at a point at or near the west corner of the Friends' meeting house and burial lot, to Greene alley continued, or to the above mentioned road; one street from Sweede street, at the intersection of Chestnut street, to Greene alley continued, on to the above mentioned road; one street from Sweede street, at the intersection of Marshall street, to Greene alley continued, each of which streets shall be laid out as nearly as practicable parallel with Airy street; one street from the first above mentioned proposed new street, at a point where a line from the middle of the north-east end of De Kalb street, run on the course of De Kalb street would strike said proposed new street; thence along such line to Marshall street continued or the academy lot; thence northwesterly along Marshall street continued, or by said academy lot, to a point north-west of the east corner of Mrs. Maris's land; thence on the south-east side of the same, along the north-west line and clear of the academy lot to Airy street; one street from the north-east end of Greene alley, on the same course thereof, to the first or second above mentioned proposed new street; one street from the south-west end of Cherry alley, on the same course thereof to Schuylkill street, if they shall think the said streets, or either of them, necessary for the convenience of the citizens or for public use; and shall also widen Barbadoes street on the north-west side thereof, between Egypt street and Lafayette street, so as to make Barbadoes street, between said points, of the same width as the same is between Lafayette street and the Schuylkill river, and also widen the road leading from Sweede street, by William Stroud's land, to the borough line near Stoney creek; and make report of their proceedings, accompanied with a plot or draft of the streets laid out and widened by them, and the connecting streets and roads, to the court of quarter sessions, within two months thereafter; and all the provisions of the act of the twenty-fourth of February, one thousand eight hundred and thirty-four, entitled "An Act for the improvement of the borough of Norristown, in the county of Montgomery," so far as the same may be applicable to the said proposed new streets shall apply to the authority, duty, and proceedings of the commissioners herein named, as fully as if such provisions were herein specifically enacted; and said commissioners shall receive one dollar and fifty cents per day for their

services, to be paid by the town council; and the expenses of surveying said streets or running out the same, making said map or draft, and filing and confirming said proceedings, shall be paid by the person or persons on whose written request or notice the said commissioners shall proceed to perform their said duties; and the person or persons who shall sustain any damages by laying out or widening any street, in pursuance of this act, shall be entitled to recover the same, in the same manner as if such street or road had been laid out or widened pursuant to law. by order of the court of quarter sessions of said county.

Borough of Norristown, street vacated.

SECTION 5. So much of the second section of the act approved the thirtieth day of April, one thousand eight hundred and forty-four, entitled "An Act to change the name of Tuscarora township, in Bradford county, and for other purposes," as declares the road or alley laid out for the use of the lots bounding thereon, extending from Swede street along the north-east side of Benjamin F. Hancock's lot, to Strawberry alley, in the borough of Norristown, should be a public road or alley, as fully as if laid out by the court of quarter sessions of the county, be and the same is hereby repealed.

Paving, work done, &c. in Norristown.

SECTION 6. That all claims for materials furnished, and for work and labor done, in curbing and paving any sidewalk in front of, or adjoining any lot or piece of land in the borough of Norristown, in the county of Montgomery, filed after the passage of this act, shall be the first lien on the lot or lands in front of, or adjoining which, such curbing or paving shall have been done; and the amount of such claim shall be paid before any other lien on such lot or lands, out of the proceeds of any sale thereof; and in all cases in which any such claim shall remain unpaid for sixty days after the same shall be filed in the prothonotary's office, the owner of the lots or lands, shall pay for the use of the borough, twenty per cent. on such claim, in addition to the amount thereof; and execution may issue on such claim filed, for the amount thereof, and the said twenty per cent. in addition thereto, as in other cases.

Claims, before whom collected.

SECTION 7. Justices of the peace shall have jurisdiction, concurrent with the court of common pleas, in all cases of claims or demands for materials furnished, or for work done in curbing and paving any sidewalk in the borough of Norristown, either by the order or engagement of the owner of any lot or lands, or of the town council, not exceeding one hundred dollars, before any such claim for materials or work shall be filed as a lien in the prothonotary's office, and suits for such demands may be brought by, and in the name of the person who furnished the materials or done the work, or by and in the name of the burgess and town council of the borough of Norristown, at their option: *Provided*, That appeals from the judgment of the justice, shall be allowed as in other cases.

Wooden buildings in Norristown.

SECTION 8. Hereafter it shall not be lawful for any person or persons to put up or erect any log, frame or wooden building, in the borough of Norristown, on Egypt street, Airy street, Barbadoes street, Cherry street, Cherry alley, Strawberry alley, Marshall street, Chesnut street, De Kalb street, Washington street, between Mill street and Barbadoes street; La Fayette street, between Mill street and Markley street; Penn street, between Barbadoes street and Green alley; Sweede street, between the river Schuylkill and Chesnut street; Green alley, between Penn street and Washington street. And if any person or persons shall put up or erect any log, frame or wooden building in said borough, contrary to the provisions of this section, he, she or they, so offending, shall forfeit and pay a penalty of fifty dollars, to be collected as debts of the same amount are collectable, in the name of the burgess and town council of the borough of Norristown, for the use of the borough,

in case proceedings be instituted by any officer of the borough, or by order of the town council; and in case the proceedings be instituted at the instance of any informer, one-fourth of such penalty shall be for the use of such informer, and the remainder for the use of the borough; and such building, and every stable which may have been erected on any of said streets since April first, eighteen hundred and forty-four, shall moreover be liable to be taken down by order of the town council; and in case the owner shall neglect or refuse to take down any such building, or any stable erected on said streets since the first day of April, eighteen hundred and forty-four, within ten days after notice so to do, the council shall immediately cause the same to be taken down, and the materials thereof shall be sold to defray the costs and expenses of removing the same, unless the owner shall immediately pay such costs and expenses; or the council may recover the amount of the costs and expenses of taking down any such building from the owner or owners thereof, or from the persons who erected the same, as debts of the same amount are recoverable, at their option.

SECTION 9. All the ordinances ordained and enacted by the town council of the borough of Norristown, for the good order and government of said borough, to prevent obstructions and nuisances in roads, streets, lanes and alleys of said borough, and for the preservation of the streets, sidewalks, curbing and pavements in said borough, shall have the same force and effect as if enacted by the legislature of this commonwealth; and the town council of said borough are hereby authorized, whenever they may deem the same necessary, to appoint one or more persons to carry into effect the ordinances, rules and regulations of the borough, and act as police officers therein, who shall be called assistant high constables; and when appointed, shall severally be vested with the same power and authority, shall perform the same duties, be liable to the same provisions and penalties, and shall receive the same fees and compensation as the high constable of said borough, and such other compensation as the council may allow: *Provided*, The persons so appointed shall continue in office until the next election of high constable, and no longer; but may be removed by two-thirds of the town council for neglect of duty: *And provided also*, That no such assistant high constable shall be authorized to serve or execute any civil process until he shall have given bond, with sureties to be approved by the town council, in such penalty as they may direct, conditioned for the faithful performance of his duty according to law; which bond, and a certificate of the appointment of such assistant high constable, signed by the president of the council and the town clerk, under the corporate seal, shall be filed in the office of the clerk of the court of quarter sessions of the county of Montgomery.

Force of ordinances, &c.

Assistant high constables.

Proviso.

SECTION 10. That the provisions contained in the eighth section of the act of the ninth of June, one thousand eight hundred and forty, entitled "An Act to incorporate the Williamsport bridge company, in the county of Lycoming, and for other purposes," requiring the said company to commence the construction of said bridge, within five years from the passage of the said act, be and the same is hereby extended for the further period of five years.

Williamsport bridge company.

SECTION 11. That Mark Gordon, Caleb Spragg, and Israel L. Craft, of Greene county, are hereby appointed commissioners to view and lay out a road, beginning at or near the farm of William Whitlatch, in Whitely township, thence up Dye's fork of Whitely creek, by the farm of John Hamilton, crossing the Middlebourne state road, at or near the farm of Widow Thomas, to the Grave creek road, at or near the farm of William Laughridge, in Richill township, Greene county.

State road in Greene county. Commissioners.

Oath. **SECTION 12.** That it shall be the duty of the said commissioners, after making and subscribing an oath or affirmation, before some justice of the peace in said county, to perform the duties enjoined on them by the provisions of this act, with fidelity and impartiality, to carefully

View ground. view the ground over which said road may pass, and to lay out the same as near a straight line, between the aforesaid points, as the nature of the ground and other circumstances will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, when by a moderate excavation, filling, or bridging the declination of said road, it may be preserved within that limit.

Mark route. **SECTION 13.** That it shall be the duty of the said commissioners, plainly and distinctly, to mark the ground on the route agreed upon for the said road, in such manner as to enable the supervisors readily to find the same; the commissioners aforesaid, are hereby authorized to employ two chain carriers and one axeman, at a per diem allowance, not exceeding seventy-five cents each; and the said commissioners shall receive a per diem allowance of one dollar and fifty cents each, for so much time as may be necessarily spent in carrying out the provisions of this act, except the commissioners performing the duties of surveyor, who shall be entitled to receive one dollar per day additional.

Pay.

Drafts. **SECTION 14.** That it shall be the duty of said commissioners to make out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and streams, with such other matters as may serve for explanation, one copy thereof, shall be deposited in the office of the secretary of the commonwealth, on or before the first of January next, and one copy in the office of the clerk of the court of quarter sessions in said county, on or before the first of January next, which shall be a record thereof; and thenceforth, the said road shall be, to all intents and purposes, a public highway, and shall be opened to the breadth and manner, in all respects, as roads are opened and repaired, which are laid out by order of the court of quarter sessions aforesaid.

Accounts of commissioners. **SECTION 15.** That the account of the said commissioners, for their own pay, chain carriers and axeman, shall be made out and returned to the commissioners of said county in which the road is located, and that such expenses shall be paid out of the treasury of the county, on orders drawn in the usual way.

Meeting of commissioners. **SECTION 16.** That said commissioners shall meet at the house of Mark Gordon, in said county, on or before the first of July next, or as soon thereafter as practicable, and complete the location of said road as soon as possible; and if any vacancy shall happen by resignation or otherwise, the court of quarter sessions of said county, shall fill said vacancy by the appointment of a suitable person or persons, to perform said duty.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 225.

A N A C T

Authorizing "The Presbyterian church of Frankford, in the township of Oxford, in the county of Philadelphia," to mortgage real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the board of trustees of "The Presbyterian church of Frankford, in the township of Oxford, in the county of Philadelphia," by and with the consent of the congregation, to borrow such sum or sums of money, at such time or times, and on such terms as they may deem expedient for the use of the said church, and to secure the repayment thereof, to mortgage any part or the whole of the real estate of the said corporation: *Provided,* That the whole amount of money so borrowed, shall not exceed the sum of two thousand five hundred dollars. *Proviso.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 226.

AN ACT

To repeal the third section of "A further supplement to the act, entitled 'An Act relating to county rates and levies,'" passed the fifteenth day of April, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the third section of the act of assembly, passed the fourteenth day of March, one thousand eight hundred and forty-four, entitled "A further supplement to the act, entitled 'An Act relating to county rates and levies,'" passed the fifteenth day of April, one thousand eight hundred and thirty-four, be and the same is hereby repealed.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 227.

AN ACT

To incorporate the Upper Dublin, Lewisville, Whitehallville and Nazareth turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jesse Shoemaker, Clement Jones, Samuel Mann, Isaac L. Shoemaker, Charles D. Jones, Henry Magee, Paul Dowlin, William W. Dunn, Frederick W. Hoover, Henry Jones, William Earnest, Adam Lutz, Isaac Mann and Robert Dunn, of Montgomery county; and Cyrus Colom, John Cox, John Barnett, Williams Stevens, Henry Fritz, senior, Jacob Funk, Henry L. Miller and Thomas Jacoby, of Bucks county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first day of May, eighteen hundred and forty-six, procure a sufficient number of books, and in each of them enter as follows: "We whose names are hereunto subscribed do promise to pay to the president and managers of the Upper Dublin, Lewisville, Whitehallville and Nazareth turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner, and in such proportions and times, as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An Act to incorporate the Upper Dublin, Lewisville, Whitehallville and Nazareth turnpike road company." Witness our hands the day of in the year of our Lord one thousand eight hundred and ;" and thereupon shall give notice in one newspaper printed in Norristown, and one in Doylestown, for twenty days at least of the time and places when and where the said books shall be opened to receive subscriptions for the stock of said company; at which time and places one at least of the said commissioners shall attend, and permit all persons of lawful age to subscribe in said books in their own name, or in the names of any other persons who shall duly authorize the same, for any number of shares of stock; and the said books shall be kept open at least six hours in every day, for the space of five days, or until the books shall have three hundred and fifty shares therein subscribed; and if at the end of the said five days the subscriptions shall not amount to three hundred and fifty shares, the commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares shall be subscribed, of which adjournment public notice shall be given; and when the whole number of shares as aforesaid shall be subscribed, the books shall be closed: *Provided always,* That every person offering to subscribe in said book shall previously pay to the attending commissioner the sum of two dollars and fifty cents for every share of stock to be subscribed, out of which shall be defrayed the incidental expenses necessary for taking such subscriptions, and the remainder shall be paid to the treasurer of the company, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.

Commissioners.

Form of subscription.

Notice of subscription.

Subscribers.

Proviso.

No. 226.

AN ACT

To repeal the third section of "A further supplement to the act, entitled 'An Act relating to county rates and levies,'" passed the fifteenth day of April, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the third section of the act of assembly, passed the fourteenth day of March, one thousand eight hundred and forty-four, entitled "A further supplement to the act, entitled 'An Act relating to county rates and levies,'" passed the fifteenth day of April, one thousand eight hundred and thirty-four, be and the same is hereby repealed.*

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 227.

AN ACT

To incorporate the Upper Dublin, Lewisville, Whitehallville and Nazareth turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jesse Shoemaker, Clement Jones, Samuel Mann, Isaac L. Shoemaker, Charles D. Jones, Henry Magee, Paul Dowlin, William W. Dunn, Frederick W. Hoover, Henry Jones, William Earnest, Adam Lutz, Isaac Mann and Robert Dunn, of Montgomery county; and Cyrus Collom, John Cox, John Barnett, Williams Stevens, Henry Fritz, senior, Jacob Funk, Henry L. Miller and Thomas Jacoby, of Bucks county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first day of May, eighteen hundred and forty-six, procure a sufficient number of books, and in each of them enter as follows: "We whose names are hereunto subscribed do promise to pay to the Form of subscription. president and managers of the Upper Dublin, Lewisville, Whitehallville and Nazareth turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner, and in such proportions and times, as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled "An Act to incorporate the Upper Dublin, Lewisville, Whitehallville and Nazareth turnpike road company." Witness our hands the day of in the year of our Lord one thousand eight hundred and ;"and thereupon shall give notice in one newspaper Notice of subscription. printed in Norristown, and one in Doylestown, for twenty days at least of the time and places when and where the said books shall be opened to receive subscriptions for the stock of said company; at which time and places one at least of the said commissioners shall attend, and permit all persons of lawful age to subscribe in said books in their own Subscribers. name, or in the names of any other persons who shall duly authorize the same, for any number of shares of stock; and the said books shall be kept open at least six hours in every day, for the space of five days, or until the books shall have three hundred and fifty shares therein subscribed; and if at the end of the said five days the subscriptions shall not amount to three hundred and fifty shares, the commissioners may adjourn from time to time, and transfer the books from place to place, until the whole number of shares shall be subscribed, of which adjournment public notice shall be given; and when the whole number of shares as aforesaid shall be subscribed, the books shall be closed: *Provided always,* That every person offering to subscribe in said book shall previously pay to the attending commissioner the sum of two dollars and fifty cents for every share of stock to be subscribed, out of which shall be defrayed the incidental expenses necessary for taking such subscriptions, and the remainder shall be paid to the treasurer of the company, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned. *Proviso.*

Letters patent.	<p>SECTION 2. When ten persons or more shall have subscribed at least two hundred shares of said stock, the said commissioners shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth; whereupon, it shall and may be lawful for the governor, by letters patent, under his hand and seal of state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "Upper Dublin, Lewisville, Whitehallville and Nazareth turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, and hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.</p>
Name.	
Privileges and franchises.	
Organization.	
Election.	<p>SECTION 3. That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent are obtained, shall give notice in one newspaper printed in Norristown, and one in Doylestown, of a time and place by them to be appointed, not less than fifteen days from the first publication of said notice, at which time and place the said subscribers shall proceed to organize the corporation, and choose by ballot by a majority of the votes of the subscribers present in person, or by proxy duly authorized, one president, twelve managers, and one treasurer, and such other officers as may be necessary to conduct the business of the company, until the second Monday in January next, after such organization, and until other officers shall be chosen; and shall and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: <i>Provided</i>, That no stockholder shall have more than ten votes at any election, or in determining any question at any meeting, no matter what number of shares he or she may hold, but each stockholder shall be entitled to one vote for every share of stock held not exceeding ten shares: <i>And provided also</i>, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due, and payable on the stock by him or her held at the time of such election, shall have been fully paid.</p>
Officers.	
By-laws.	
Proviso.	
Votes.	<p><i>Provided</i>, That no stockholder shall have more than ten votes at any election, or in determining any question at any meeting, no matter what number of shares he or she may hold, but each stockholder shall be entitled to one vote for every share of stock held not exceeding ten shares: <i>And provided also</i>, That no stockholder, whether the original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due, and payable on the stock by him or her held at the time of such election, shall have been fully paid.</p>
Proviso.	
Annual meeting.	<p>SECTION 4. The stockholders of the said company shall meet on the second Monday in January, in every year, after the organization of the company, at such place as shall be fixed by their by-laws, for the purpose of choosing officers for the ensuing year, in the manner aforesaid, and at such other times as they shall be notified by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power to make, alter or repeal, by a majority of votes in manner aforesaid, all such by-laws, rules and regulations, made as aforesaid, and to do and perform any other corporate act.</p>
Certificates transferable.	<p>SECTION 5. The president and managers, first to be chosen as aforesaid, shall procure certificates for all the shares of stock of the company,</p>

and shall deliver one such certificate, signed by the president and treasurer, and sealed with the seal of the corporation, to each subscriber, for the number of shares by him or her held, which certificates shall be transferable at the pleasure of the holder, in person or by attorney, in the presence of the president or treasurer on the books of the company. only subject, however, to all payments due and to become due thereon.

SECTION 6. If any stockholder, whether original subscriber or assignee, after twenty days notice in one newspaper printed in Norristown, and one in Doylestown, of the time and place appointed for the payment of any instalment, or proportion of the capital stock, shall neglect or refuse to pay such proportion at the place appointed, for the space of thirty days after the time required for the payment thereof, every such stockholder shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same and additional payments or penalties shall become equal to the sum before paid in part on account of such share or shares, the same may be forfeited by and to the said company, and may be sold by them for such price as may be obtained therefor, or in default of payment of any stockholder of such instalments, for the space of sixty days, the president and managers may, at their election, cause suit to be brought in the same manner as debts of a like amount are recoverable for the recovery of the same, together with the penalties aforesaid.

SECTION 7. The said president and managers shall meet at such times and places as shall be ordained by their by-laws, and when met, five shall be a quorum, and the managers present, in the absence of the president, may choose a president pro tem; they shall keep minutes of all their proceedings fairly entered in a book to be kept for that purpose; and shall have full power and authority to appoint and agree, or contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary to make and construct said road, and collect the tolls hereinafter authorized, and fix their compensation, to determine the time, manner and proportion, in which the stockholders shall pay the amount of their respective shares, to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence, by a majority of a quorum of the managers, and attested by the secretary; and to do and transact all other acts, matters or things, as by this act and the by-laws of the company may be entrusted to them.

SECTION 8. The said turnpike road shall commence and connect with the Springhouse, Northampton town and Bethlehem turnpike road, at or near Andrew Gilkeson's store, in Upper Dublin township, Montgomery county, and where the Butler road intersects said turnpike, and proceed on the bed of the Butler road, as near as may be, by Lewisville, Prospectville, Pleasantville, Whitehallville and Fritze's mill, to the old Bethlehem road, at or near the Eight Cornered school house, or Schwenk's store, in Bucks county, and thence by Hellertown to Nazareth, in Northampton county, if such extension shall be deemed necessary.

SECTION 9. The said road shall be laid out not exceeding fifty feet in width, at least eighteen feet thereof to be a good and substantial turnpike road, to be composed of stone or gravel, to secure a firm, and as near as the materials will admit of, an even surface, and so nearly level in its progress, that it shall in no place rise or fall more than will form an angle of five degrees, with a horizontal line; and the said company shall forever after maintain and keep the same in good order, and have authority to erect suitable bridges over all the streams of water crossing said road.

Power to enter
upon lands.

SECTION 10. It shall be lawful for the said president and managers, by their agents, engineers and workmen, with their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made, first giving notice of their intentions to the occupiers thereof, and doing as little damage thereto as possible, and making amends for damages, upon an equitable agreement by the parties, or if they cannot agree, then a just assessment to be made upon oath or affirmation by three disinterested citizens, or any two of them, to be mutually chosen, or if either party upon due notice, shall neglect or refuse to join in the choice, then to be chosen by a justice of the peace, who shall not be interested therein; and upon the tender of the assessed value, to dig and carry away any timber, stone, gravel, sand, earth, or other materials necessary or suitable for making the road: *And provided*, That said managers or their workmen under their supervision, shall have full power to enter upon any lands lying near to or adjoining said road, and to cut or open such drains through the same, as they shall judge necessary to drain the water from the turnpike road, with the same rights and under the same penalties as the supervisors of highways: *And provided also*, That the said company shall not be authorized to take or remove any property beyond the boundaries of the aforesaid Butler road, as laid out by law, as far as their road may be laid on the same, unless the same be previously paid for, or adequate security given to the owners for the payment thereof.

Increase of shares

SECTION 11. The said president and managers shall keep fair and just accounts of all moneys received by them, and of those paid out and expended in the prosecution of the work, and shall at least once in every year submit their books and accounts to a general meeting of the stockholders; and whenever it shall be ascertained that the capital stock of the company is not sufficient to complete the said road according to the true intent and meaning of this act, it shall be lawful for the president and managers, at a stated or special meeting, convened according to the provisions of this act, or their by-laws, to increase the number of shares to such an extent as they shall deem sufficient to accomplish the work, and to demand and receive the moneys subscribed for such additional shares in like manner, and under like penalties, as are provided by this act in the case of original subscriptions.

License.

SECTION 12. Whenever the said company shall have finished two miles or more of turnpike road, the president thereof may give notice to the governor, who shall thereupon forthwith appoint three skillful, judicious and disinterested persons to view and examine the same, and report, on oath or affirmation, to him, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall by license, under his hand and the seal of the state, permit said company to erect and place such and so many gates or turnpikes upon and across the said road as will be necessary and sufficient to collect from all persons such tolls as are hereinafter authorized to be collected: *Provided*, That no toll shall be demanded from any person or persons passing or re-passing from one part of his, her or their farm or farms, to any other part of the same; and all persons, with their horses or vehicles, going directly to or from funerals or places of public worship, shall be exempt from the payment of tolls when travelling on the said road.

Proviso.

Toll gatherers.

SECTION 13. When the said company is licensed in manner aforesaid, it shall be lawful for them to appoint such and so many toll gatherers as they shall think proper, to collect and receive of, and from all and every

person and persons using the said road, the toll and rates hereinafter mentioned; and to stop any person leading, driving or riding any horses, cattle, hogs, sheep, or vehicle of burden or pleasure, of whatsoever kind, from passing through the said gates or turnpikes, until they shall have respectively paid the same, that is to say: For every five miles of the said road completed and licensed as aforesaid, or in proportion for any less distance, the following sums of money, to wit: For every score of hogs, six cents; for every score of sheep, six cents; for every score of cattle, twelve cents, and in proportion for any greater or less number; for every horse and his rider, or led horse, three cents; for every sulkey, chair or chaise, with one horse and two wheels, six cents; and for every such carriage, with two horses, nine cents; for every chariot, coach, phaeton or dearborne, with one horse and four wheels, ten cents; and for every such carriage, with two horses and four wheels, twelve cents; and for every other carriage of pleasure, under whatsoever name it may be known, the like sums, according to the number of wheels and horses drawing the same; for every stage wagon, with two horses, twelve cents; for every stage wagon or coach, with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; for every cart, wagon or carriage of burden, the breadth of the wheels of which shall not exceed four inches, five cents for each horse drawing the same; and for every such cart, wagon or carriage, the breadth of the wheels of which shall exceed four inches, three cents for each horse drawing the same; two oxen, or one mule, to be estimated as equal to one horse. And if any person shall represent to the said company, or any of its officers or agents, that he or she has travelled a less distance than he or she has actually travelled along said road, with intent to defraud the company of any toll, such person shall, for every such offence, forfeit and pay to the use of the company the sum of five dollars; and if any toll gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled along said turnpike road, or shall demand and receive from any person greater toll than is authorized by this act, such toll gatherer shall forfeit and pay the sum of five dollars for every such offence to the supervisors of the township in which the forfeiture is incurred, for the use of the same, to be expended in repairing the public roads, and for the payment of which the said company shall be responsible.

SECTION 14. If any person or persons owning, riding in, or driving any vehicle of burden or pleasure, or riding, leading or driving any horse or horses, or driving any hogs, sheep or cattle, shall therewith pass through or over any private gates or bars, or along or over any private passage way, or other ground adjoining or near to any gate or turnpike erected by said company, with intent to defraud the company, and avoid the payment of the toll for passing through any such gate or turnpike; or if any such person or persons shall, with such intent take off or cause to be taken off, any horse or cattle from any vehicle or carriage of pleasure or burden, or practice any other fraudulent means or device, with the intent that the payment of any such toll may be evaded or lessened, every such person or persons shall, for every such offence, forfeit and pay to the said company any sum not exceeding ten dollars, to sued for and recovered with costs of suits, before any justice of the peace, in like manner as debts of a similar amount are recoverable.

SECTION 15. If the said company shall neglect to keep the said road in good travelling order and repair, for the space of ten days, and information thereof shall be given to any justice of the peace, in the vicinity of where the repair ought to be made, such justice shall issue a precept, Mode of vacating road.

directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept to be mentioned, at the place on the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate nearest thereto; and the said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself, and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify, and send one copy of the said inquisition to each of the keepers of the gates or turnpikes, between which such defective place shall be, and from thenceforth the tolls hereby authorized to be collected at such gates shall cease to be demanded or collected, until the said defective part or parts of the road shall be put in good order and repair as aforesaid; and if the same shall not be in good order before the next court of quarter sessions, to be held for the county in which the defect is proved to be, the justice shall certify and send a copy of the inquisition aforesaid to the judges of the said court, and the court shall, thereupon, cause process to issue, and bring in the body or bodies of the person or persons entrusted by the company with the care and superintendence of such part of the road as shall be found defective, and shall proceed thereon, as in cases of supervisors of the highways for neglect of duty; and if the person or persons entrusted by the company as aforesaid, shall be convicted of the offence in and by the said inquisition charged, the said court shall give judgment, as in the case of supervisors of the highways neglecting their duties; the penalties so to be imposed, shall be recovered in the same manner as fines for misdemeanors are usually recovered in the said court, and shall be paid to the supervisors of the township wherein the offence was committed, to be used for repairing the public roads in the said township.

**Rules for passing
carriages.**

SECTION 16. All drivers and conductors of wagons, and carriages of all kinds using the said road, shall, except when passing by a vehicle of slower draught, keep their horses and carriages on the right hand side of the road in the passing direction, leaving the other side free and clear for other carriages to pass and repass, and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars to any person who shall be obstructed in his passage, who will sue for the same, to be recovered with costs in the usual manner; and no driver of a carriage of any kind shall pass any other vehicle going in the same direction at a faster gait than a trot, at a rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one-half to the use of said company, and the other half to the use of the informant.

**Penalty for in-
juring works.**

SECTION 17. If any person or persons shall wilfully injure or destroy any gates, posts, buildings, or other fixtures of the company, or shall, without permission from the acting superintendent of the said road, throw out upon the road, or within the limits thereof, any wood, stone, dirt, or rubbish of any kind, and shall suffer the same to remain for the space of one day after notice thereof shall have been given to the person offending, such person or persons so offending, shall, for each and every such offence, on conviction thereof, by the evidence of one or more creditable witnesses, before any justice of the peace of the county in which the offence shall have been committed, pay a fine not exceeding five dollars, with costs, to be recovered as debts of a like amount are recoverable for the use of the said company.

SECTION 18. In the adjustment of claims for damages for taking or using land or other property by the company, it shall be the duty of the persons appointed according to this act, to take into consideration the advantages, as well as disadvantages, to be derived by the claimant from the making of said turnpike road. Damages.

SECTION 19. The president, managers and company, shall, in the month of May in each and every year, after the organization thereof, on a day to be named in their by-laws, proceed to examine and ascertain the income of the company, and after deducting all costs and charges incurred by the same, shall, out of the net profits, if any there be, declare a dividend to and among the stockholders, notice of which, and of the time and place shall be given, and the same shall be paid accordingly: *Provided*, That if it shall be ascertained that the net profits of the company will not produce a dividend on the capital stock of six per cent. per annum, then it shall be lawful for the president and managers to add to the tolls herein authorized by this act, so as to produce that per centage; and if the tolls shall at any time produce a net income exceeding ten per cent. per annum, then the tolls shall be reduced, so that the net income shall not exceed that amount. Dividends.

SECTION 20. The supervisors of the highways of the townships through which the said turnpike road shall pass, shall, in addition to the powers vested in them by the act of assembly, approved April fifth, A. D., one thousand eight hundred and forty-two, authorizing subscriptions to be made to turnpike roads, on behalf of townships through which said roads may pass, be authorized and empowered to borrow money to pay the instalments on the stock so subscribed, and to issue certificates for the same, bearing an interest not exceeding six per cent. per annum, and payable at any time not exceeding ten years, which certificates shall be binding on the said townships. Supervisors authorized to subscribe for stock.

SECTION 21. If the said company shall not proceed to carry on the said work within five years, or shall not, within ten years from the passing of this act, complete the said road to Pleasantville, according to the true intent and meaning of this act, then, and in either of those cases, all and singular the rights, privileges, liberties and franchises hereby granted to the said company, shall revert to this commonwealth. Commencement and completion limited.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 228.

A SUPPLEMENT

To an act to incorporate the Lancaster County Bank, passed fifth May, one thousand eight hundred and forty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the stockholders of the Lancaster County Bank, shall be jointly liable to the creditors of said bank, in their individual capacity, for the amount of notes issued, and deposits, and all other liabilities of the said bank, and the manner of enforcing such liability, shall be as follows: In case said bank shall violate the provisions of any law applicable to it, or becomes insolvent, or in failing circumstances, by reason of the mismanagement of its affairs, and is compelled to make an assignment under the provisions of the second section of the act passed the twelfth day of March, Anno Domini one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks," the assignees so appointed, shall proceed to make a fair and equitable appraisal of the assets of such bank, of every description, at their cash value, and also to make a list of all the debts due by such bank; and if it shall appear that the assets are insufficient to meet the liabilities, the stockholders of such bank shall be liable to make up such deficiency, in proportion to the respective stock held by each at the time such assignment is made: *Provided,* That this act shall not take effect unless immediately after the acceptance thereof by the stockholders, the said bank shall resume the payment of specie for its notes and other liabilities: *And provided,* That if at any time hereafter, the said bank shall fail or refuse to redeem its notes, and pay its liabilities in gold and silver coin, upon demand being made at the banking house of said bank, during banking hours, such refusal or failure, shall be deemed and taken to be an absolute forfeiture of its charter, and the said bank may thereupon be proceeded against, to compel an assignment, according to the provisions of the second section of the said act of twelfth March, one thousand eight hundred and forty-two.

Joint liability of stockholders.

Manner of enforcing, &c.

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Duty of assignees

SECTION 2. It shall be the duty of the assignees aforesaid to cause a scire facias, in the name of the commonwealth of Pennsylvania, to be issued by the prothonotary of the proper county, against all the stockholders of said bank, reciting the amount of such deficiency, and requiring them to appear at the next court of common pleas, in said county, and show cause why execution should not be issued against them for such amount, and such scire facias shall also set forth the proportions due from each of the said stockholders; and it shall be the duty of the sheriff of said county, to serve the said writ upon all stockholders named in said writ, residing within his bailiwick; and it shall be lawful for the court of common pleas, or a judge in vacation, to make such order in reference to giving notice to stockholders, non-residents in the county, and named in such writ, as the case may require: *Provided,* That the writ of scire facias shall not abate by reason of the non-joinder of any stockholder; and in case it shall appear that one or more persons in

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said writ named, are not liable under the provisions of this act, it shall not vitiate the proceeding against the others.

SECTION 3. On the return day of said writ of scire facias, it shall be **Judgment.** the duty of said court to render judgment against all the stockholders named in said process, for the several amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases.

SECTION 4. Every individual who owned stock in his or her own **Who are liable.** name, or in the name of any other person or persons, at the time of such assignment, shall be deemed liable for his or her proportions, under the provisions of this act; but it shall be lawful for any stockholder, either before or after process shall have been issued, to pay his or her proportional share of liability to the assignees, and receive a full discharge from the same; and the process shall be proceeded in only against the other stockholders that are liable.

SECTION 5. The several provisions of the act of fourteenth June, **Act relative to** one thousand eight hundred and thirty-six, entitled "An Act relating to **assignments ap-** assignees for the benefit of creditors, and other trustees," shall be held **plied to said bank.** to apply to all assignments made by the said bank, whether under the provisions of the said second section of the act of twelfth March, one thousand eight hundred and forty-two, or otherwise; and the courts shall exercise all the powers therein given, in addition to the authority conferred by this act, to compel settlements of the accounts of the assignees, and to do every other act necessary and proper to accomplish the purposes of the trust, and to compel distribution of the moneys and assets in the hands or power of the said assignees amongst the creditors entitled, according to the just proportions due to each.

SECTION 6. The said assignees shall pay out of the assets and pro- **Order of paying** perty of the bank thus assigned the debts and liabilities of the same, **liabilities.** in the following order: First, noteholders; second, depositors; third, all other creditors, except stockholders, who shall be last paid.

SECTION 7. That the books of the said bank shall be open to the **Books.** inspection of any stockholder who may desire to examine the same.

SECTION 8. If any president, cashier, or any other officer or clerk of **Penalty for om-** said bank, shall fraudulently embezzle or appropriate to his own use, **bezzlement.** or to the use of any other person or persons, any money or other property belonging to said institution, or left with the same as a special deposit, or otherwise, he or they, upon conviction of such offence, shall be fined in a sum not less than the amount so appropriated or embezzled, and sentenced to undergo imprisonment in one of the state penitentiaries, as the case may be, to be kept in separate or solitary confinement at labor, for any term not exceeding two years, at the discretion of the court: *Provided,* That this shall not prevent any person or persons aggrieved from pursuing his, her or their civil remedy against such person or persons.

SECTION 9. Every insolvency of said bank shall be deemed fraudu- **Fraudulent in-** lent, unless its affairs shall appear, upon investigation, to have been **solvency.** fairly and legally administered, and generally with the same care and diligence that agents receiving a compensation for their services are bound by law to observe; and it shall be incumbent on the directors and stockholders of every such insolvent corporation to repel by proof the presumption of fraud.

SECTION 10. In every case of a fraudulent insolvency, the directors of **Liability of di-** the said bank, by whose acts or omissions the insolvency was in whole **rectors.**

or in part occasioned, and whether then in office or not, shall each be liable to the stockholders and creditors of the said bank for his proportional share of their respective losses, the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its reimbursement.

Deficiencies, how paid.

SECTION 11. If the moneys remaining due to the creditors of said corporation, whose insolvency shall be adjudged fraudulent, after the distribution of its effects, shall not be collected in whole or in part from the directors liable for their reimbursement, the deficiency shall be made good by the contribution of the stockholders of the said bank; the whole amount of the deficiency shall be assessed on the whole number of shares of the capital stock, and the sum necessary to be paid on each share shall then be ascertained, and each stockholder shall be liable for the sum assessed on the number of shares held by him, in addition to the sums paid, or which he may be liable to pay on account of these shares.

Liability of transferees.

SECTION 12. If the amount assessed on the shares of any stockholder, under the provisions of the last section, shall not be collected from such stockholder by reason of his insolvency or his absence from this state, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder, at any time within six months previous to the insolvency of the said bank or monied corporation, shall have received a transfer of the shares, or any portion of the shares then held by him; and any person having made such transfer, shall be liable in the same manner, and for the same proportion, that he would have been liable had he continued to hold the shares so transferred.

Stockholder defined.

SECTION 13. The term stockholders, as used in the preceding sections of this act, shall extend to every equitable owner of stock appearing on the books of an insolvent bank, in the name of another person, and to every person who shall have advanced the instalments or purchase money of any shares of stock standing in the name of any of his children, under the age of twenty-one years; but no person holding stock, as an executor or administrator, or as guardian or trustee, appointed by a last will or testament, or by a court of competent authority, and no legal or equitable owner of stock, under the age of twenty-one years, shall be individually responsible on account of the shares so held.

Insolvency defined.

SECTION 14. The term insolvency, used in the preceding sections, shall be construed to apply to said bank, when compelled to make an assignment, according to the provisions of the first section of this act; and it shall, thereupon, be the duty of the directors of such bank, for the time being, within ten days after such assignment, to file in the office of the prothonotary of the court of common pleas of the proper county, verified by oath or affirmation, a full statement of its affairs, containing

Statement.

Capital.

I. An account of capital stock of the bank, the amount paid in, and the amount of stock held by such corporation.

Estate.

II. The quantity, description, and value of the real estate of such bank.

Stock.

III. The shares of stock held by the bank, whether absolutely, or as collateral security, with their number and value.

Debts to bank.

IV. The debts owing to said bank, and the amount of said debts that are then collectable.

Debts of bank.

V. The amount of debts owing by the said bank, with the amount of notes or bills in circulation, amount of deposits, and all other liabilities.

ies, together with the amount of its loans and discounts, and of specie on hand.

VI. A particular account of the losses of the corporation, and the Losses. causes of its insolvency.

VII. An accurate list of the names and residences, and the amount of stock held by each stockholder in said bank at the time of, and for Stockholders' names, &c. six months prior to the time of, the said assignment.

SECTION 15. If the court shall be in session when the said statement is filed, the same shall be immediately presented to the court by the said directors for examination; and if the court should not be in session at such time, then the said statement shall be presented upon the first day of the session of the court thereafter, and it shall, thereupon, be the duty of the court to appoint three competent auditors, who shall be duly sworn or affirmed, to make a strict investigation of the affairs of such bank, the accuracy and fairness of the statement thus presented to the court, and to perform their duties with fidelity. Presentation of statement.

SECTION 16. The auditors thus appointed shall have power to compel Auditors' powers the production of the books and papers, and to subpoena and examine the directors and officers of such bank, and generally to have and exercise all the authority now conferred on auditors by the existing laws; and after having performed their duties, they shall report to the court the result of their investigation, and in case they report that the insolvency was fraudulent, it shall be their duty also to ascertain and report the amounts due from the several directors, according to the liabilities imposed by the provisions of this act. and duties.

SECTION 17. The said court shall thereupon proceed to the investigation by the matters contained in said report, and shall determine court. whether the insolvency of said bank was fraudulent or otherwise; or if they deem it necessary for the purposes of justice, may direct an issue, at the request of any person interested, to try the fact of fraudulent insolvency; and if the judgment of the court upon the report of the auditors, or upon the verdict rendered upon such issue, should be that the insolvency of such bank was fraudulent, then, and in such case, the said court shall proceed to decree against the directors the amount due from each, according to their several liabilities; and the several courts of common pleas, for the purpose of carrying into effect the provisions of this act, shall have the same powers and authorities to obtain the appearance of persons thus made amenable to their jurisdiction, and to compel obedience to their orders and decrees, and enforce execution thereof, as are now by law vested in the said courts in cases of trusts.

SECTION 18. All the provisions of the act to incorporate the Lancaster County Bank, passed fifth May, eighteen hundred and forty-one, and of the second section of the act for the relief of the children of David Long, and for other purposes, passed eighteenth March, eighteen hundred and forty-two, which provided for the execution and transfer of mortgages by the stockholders, for the security of the creditors of the said bank, be and the same is hereby repealed, and the liability of the stockholders as herein provided for, is substituted for the said securities by mortgage: *Provided*, That before this act shall go into operation, it shall be first accepted and approved of at a general meeting of stockholders, to be called for the purpose of taking the subject into consideration: *And provided also*, That the directors shall give notice by weekly Repeal of former acts relating to bank. *Provido*.

Notice of altera- publications, in one or more newspapers published at Lancaster and at
tion of charter. Harrisburg, for the period of three months, of the alteration in the
charter of said bank, produced by this act.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred
and forty-five.

FRS. R. SHUNK.

No. 229.

AN ACT

To extend the charter of the Bank of Chambersburg, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That
Charter extended the charter of "the Bank of Chambersburg," shall be and the same is
hereby continued and extended for the term of five years, from the
expiration of the present charter, subject to the provisions imposed by
this act, and to all the provisions now imposed upon the said bank by
existing laws of this commonwealth, and also subject to such further
provisions as the legislature may hereafter think proper to enact for the
regulation of banking institutions.

SECTION 2. The total liabilities of the said bank, exclusive of depo-
sits, shall not at any time, exceed double the amount of its capital stock
paid in, nor shall the debts of every kind due, and to become due to
the said bank, except debts due from the government of the United
States, and the state of Pennsylvania, ever amount to more than three
times its capital stock paid in; and the said bank shall not loan or dis-
count any, when its circulation shall be equal, for thirty consecutive
days, to three times the amount of specie or notes of specie paying
banks in its possession, belonging to said bank; and any balances which
shall be standing to the credit thereof, in specie paying banks, and which
shall be convertible into specie at the pleasure of said Bank of Cham-
bersburg.

SECTION 3. In addition to the returns which the said bank is now
required by law to make, when notified so to do, by the auditor general,
it shall also return on the oath of the cashier, a statement in tabular
form, showing first, the whole amount of its liabilities; second, the
amount of debts due or to become due to the said bank, except as before
excepted; and if upon the return so made, it shall appear that its liabili-
ties or debts due or to become due to it, except as before excepted, shall
Returns.

have exceeded for thirty consecutive days, at any quarter of the last year, three times the amount of its capital stock paid in, or that its circulation was greater during that time, for thirty consecutive days, than three times the amount of specie and notes of specie paying banks in its possession, belonging to said bank; and any balances which shall be standing to the credit thereof, in specie paying banks, and which shall be convertible into specie, at the pleasure of said Bank of Chambersburg, it shall be the duty of the auditor general forthwith, to give notice thereof to the governor, who shall issue a proclamation, which shall be published in one newspaper in Harrisburg, declaring its charter forfeited; and the said bank shall go into liquidation, under the provisions of the act of the twelfth of March, Anno Domini one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks of this commonwealth, and for other purposes:" *Provided*, That if the said bank shall at any time fail or refuse to redeem its notes, and pay its liabilities in gold and silver coin, upon demand being made at the banking house of said bank, during banking hours, such failure or refusal, shall be deemed and held to be an absolute forfeiture of the charter of said bank; and the said bank may thereupon be proceeded against to compel an assignment, according to the provisions of the second section of the act of twelfth of March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks of this commonwealth, and for other purposes."

SECTION 4. That the books of the said bank shall be open to the inspection of any stockholder who may desire to examine the same. Books.

SECTION 5. The stockholders of the Bank of Chambersburg, shall be jointly liable to the creditors of said bank, in their individual capacity, for the amount of notes issued, in an amount not exceeding the par value of the stock owned and possessed by them respectively; and the manner of enforcing such liability shall be as follows: In case the said bank shall violate the provisions of any law applicable to it, or becomes insolvent, or in failing circumstances, by reason of the mismanagement of its affairs, and is compelled to make an assignment under the provisions of the second section of the act passed the twelfth day of March, A. D. eighteen hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks," the assignees so appointed shall proceed to make a fair and equitable appraisement of the assets of the said bank, of every description, at their cash value, and also to make a list of all the debts due by the said bank; and if it shall appear that the assets are insufficient to redeem the notes in circulation, the stockholders of the said bank shall be liable to make up such deficiency, in proportion to the respective amount of stock held by each at the time such assignment is made: *Provided*, That their joint liability shall in no case exceed the amount of the par value of their stock. Liability of stockholders, and mode of enforcing

SECTION 6. It shall be the duty of the assignees aforesaid to cause a scire facias, in the name of the commonwealth of Pennsylvania, to be issued by the prothonotary of the court of common pleas of Franklin county, against all the stockholders of the said bank, reciting the amount of such deficiency, and requiring them to appear at the next court of common pleas in said county, to show cause why execution should not issue against them for such amount; and such scire facias shall also set forth the proportions due from each of the said stockholders, and it shall be the duty of the sheriff of said county, to serve the writ upon all stockholders named in said writ residing within his bailiwick; and it shall be lawful for the next court of common pleas, or Duty of assignees.

Proviso.

a judge in vacation, to make such order, in reference to giving notice to stockholders, non-residents in the county, and named in such writ, as the case may require: *Provided*, That the scire facias shall not abate by reason of the non-joinder of any stockholder; and in case it shall appear that one or more persons in said writ named, are not liable under the provisions of this act, it shall not vitiate the proceeding against the others.

Judgment.

SECTION 7. On the return day of said writ of scire facias it shall be the duty of said court to render judgment against the stockholders named in said process, for the amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases.

Who are liable.

SECTION 8. Every individual who owned stock in his or her own name, or in the name of any other person or persons, at the time of such assignment, shall be deemed liable for his or her proportions, under the provisions of this act; but it shall be lawful for any stockholder of the said bank, either before or after process shall have been issued, to pay his or her proportional share of liability to the assignees, and receive a full discharge from the same, and the process shall be proceeded in only against the other stockholders that are liable.

Acts relative to assignments, applied to bank.

SECTION 9. The several provisions of the act of the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," shall be held to apply to all assignments made by the said bank, whether under the provisions of the said second section of the act of twelfth March, one thousand eight hundred and forty-two, or otherwise, and the courts shall exercise all the powers therein given, in addition to the authority conferred by this act, to compel settlements of the accounts of the assignees, and to do every act necessary and proper to accomplish the purposes of the trust, and to compel distribution of the moneys and assets in the hands or power of the said assignees amongst the creditors entitled, according to the just proportion due to each.

Order of paying liabilities.

SECTION 10. The said assignees shall pay, out of the assets and property of the said bank, in case of any assignment, the debts and liabilities of the same, in the following order: First, note holders; second, depositors; third, all other creditors, except stockholders, who shall be last paid.

Penalty for embezzlement.

SECTION 11. If any president, cashier, or any other officer or clerk of the said bank, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person or persons, any money or other property belonging to the said institution, or left with the same as a special deposit or otherwise, he or they upon conviction of such offence shall be fined in a sum not less than the amount so appropriated or embezzled, and sentenced to undergo imprisonment in one of the state penitentiaries, as the case may be, to be kept in separate or solitary confinement, at labor, a period not exceeding two years, at the discretion of the court: *Provided*, That this shall not prevent any person or persons aggrieved, from pursuing his, her or their civil remedy against such person or persons.

Fraudulent insolvency.

SECTION 12. The insolvency of said bank shall be deemed fraudulent, unless its affairs shall appear, upon investigation, to have been fairly and legally administered, and generally with the same care and diligence that agents, receiving a compensation for their services, are bound by law to observe.

SECTION 13. In case of a fraudulent insolvency the directors of said bank, by whose acts or omission the insolvency was in whole or in part occasioned, and whether then in office or not, shall each be liable to the stockholders of the said bank for his proportional share of the respective losses, the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its reimbursement. If the moneys remaining due to the creditors of the said bank, whose insolvency shall be adjudged fraudulent after the distribution of its effects, shall not be collected in whole or in part from the directors liable for their reimbursement, the deficiency so far as to redeem the notes issued, shall be made good by the contribution of the stockholders of the said bank; the whole amount of the deficiency shall be assessed on the whole number of shares of the capital stock, and the sum necessary to be paid on each share shall then be ascertained, and each stockholder shall be liable for the sum assessed on the number of shares held by him, not exceeding the nominal amount of such shares, in addition to the sum paid or which he may be liable to pay on account of such shares: *Provided*, That nothing contained in this section shall be so construed as to conflict with the fifth section of this act.

SECTION 14. If the amount assessed on the shares of any stockholder under the provisions of the last section, shall not be collected from such stockholder by reason of his insolvency or his absence from this state, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder, at any time within six months previous to the insolvency of the said bank, shall have received a transfer of the shares or any portion of the shares then held by him; and any person having made such transfer shall be liable in the same manner, and for the same proportion, that he would have been liable had he continued to hold the shares so transferred.

SECTION 15. The term stockholders, as used in the preceding sections of this act, shall extend to every equitable owner of stock appearing on the books of the said bank at the time of its insolvency, in the name of another person, and to every person who shall have advanced the instalments or purchase money of any shares of stock standing in the name of any of his children under the age of twenty-one years; but no person holding stock as an executor or administrator, or as guardian or trustee, appointed by a last will or testament, or by a court of competent authority, and no legal or equitable owner of stock under the age of twenty-one years, shall be individually responsible on account of the shares so held.

SECTION 16. The term insolvency, used in the preceding section, shall be construed to apply to the said bank when it is compelled to make an assignment, according to the provisions of the fifth section of this act; and it shall be thereupon the duty of the directors of the said bank for the time being, within ten days after such assignment, to file in the office of the prothonotary of the court of common pleas of Franklin county, verified by oath or affirmation, a full statement of its affairs, containing—

I. An account of capital stock of the bank, the amount paid in, and the amount of stock held by such corporation.

II. The quantity, description, and value of the real estate of the said bank.

III. The shares of stock held by the bank, whether absolutely or as collateral security, with their number and value.

- Debts to bank.** IV. The debts owing to said bank, and the amount of said debts that are then collectable.
- Debts of bank.** V. The amount of debts owing by the said bank, with the amount of notes or bills in circulation, amount of deposits, and all other liabilities, together with the amount of its loans and discounts, and of specie on hand.
- Losses.** VI. A particular account of the losses of the corporation, and the cause of its insolvency.
- Stockholders' names.** VII. An accurate list of the names and residences, and the amount of stock held by each stockholder in said bank at the time of, and for six months prior to, the time of the said assignment.
- Presentation of statement.** SECTION 17. If the court shall be in session when the said statement is filed, the same shall be immediately presented to the court by the said directors for examination; and if the court should not be in session at such time, then the said statement shall be presented upon the first day of the session of the court thereafter; and it shall thereupon be the duty of the court to appoint three competent auditors, who shall be duly sworn or affirmed to make a strict investigation of the affairs of such bank, the accuracy and fairness of the statement thus presented to the court, and to perform their duties with fidelity.
- Auditors' powers, &c.** SECTION 18. The auditors thus appointed shall have power to compel the production of the books and papers, and to subpoena and examine the directors and officers of the said bank, and generally to have and exercise all the authority now conferred on auditors by the existing laws; and after having performed their duties, they shall report to the court the result of their investigation; and in case they report that the insolvency was fraudulent, it shall be their duty also to ascertain and report the amount due from the several directors, according to the liabilities imposed by the provisions of this act.
- Investigation by court.** SECTION 19. The said court shall thereupon proceed to the investigation of the matters contained in said report, and shall determine whether the insolvency of said bank was fraudulent or otherwise; or, if they deem it necessary for the purposes of justice, may direct an issue at the request of any person interested to try the fact of fraudulent insolvency, and if the judgment of the court, upon the report of the auditors or upon the verdict rendered upon such issue, should be that the insolvency of such bank was fraudulent, then and in such case the said court shall proceed to decree against the directors the amount due from each, according to their several liabilities; and the said court of common pleas, for the purpose of carrying into effect the provisions of this act, shall have the same powers and authorities to obtain the appearance of persons thus made amenable to their jurisdiction, and to compel obedience to their orders and decrees, and enforce execution thereof, as are by law vested in the said courts in cases of trust.
- Exemption of directors from liability.** SECTION 20. That it shall be competent for the stockholders of the said bank, at any annual meeting, or at a special meeting convened for the purpose according to law, by a vote of at least four-fifths in number and value of those present, to exempt the directors from all liabilities intended for the special benefit of said stockholders, as set forth in the preceding sections of this act; that thirty days from the passage of this act, are allowed to the stockholders of said bank to decide whether they will accept this charter.
- Repeal.** SECTION 21. So much of any act or acts of assembly as is hereby altered or supplied, be and the same is hereby repealed.

SECTION 22. That the legislature hereby reserves the power to alter, Power of revocation. **or annul the charter of the said bank whenever, in their opinion, it may be injurious to the citizens of the commonwealth; in such manner, however, that no injustice shall be done to the corporators hereof.**

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 230.

A FURTHER SUPPLEMENT

To an act, entitled "An Act to establish the district court for the city and county of Philadelphia," passed the twenty-eighth day of March, one thousand eight hundred and thirty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the authority, power and jurisdiction, given to the district court for the city and county of Philadelphia, by an act passed on the seventh day of April, one thousand eight hundred and thirty, entitled "A further supplement to an act, entitled 'An Act for establishing a health office, and to relieve the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes,'" are hereby declared to be vested in the court established by the act to which this is a further supplement, and that all former proceedings under said act, passed on the seventh day of April, one thousand eight hundred and thirty, be and the same are hereby confirmed. **Powers.**

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 231.

A N A C T

To extend the time for the erection of a bridge over the Kiskiminotus river, at Leechburg, in Armstrong county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the first section of the act, entitled "An Act to authorize the governor to incorporate a company to erect a bridge over the Kiskiminotus river, on the big dam, at the town of Leechburg, in Armstrong county," passed the seventh day of April, one thousand eight hundred and thirty-two, as limited the time within which the stock books shall be opened, be and the same is hereby repealed; and the time for opening said books to receive subscriptions of stock to said company, be and the same is hereby extended to the first day of January, one thousand eight hundred and forty-six; and William M'Laughlin, senior, George T. Crawford, junior, and George Bovard, of Westmoreland county, be and they are hereby appointed commissioners in lieu of George Thompson Crawford and George Mulhollan, junior, to act in conjunction with the other commissioners named in the said first section of the said act, for the purposes therein specified.

SECTION 2. That so much of the eighteenth section of the said act of seventh of April, one thousand eight hundred and thirty-two, as limited the time within which said bridge should be commenced and completed, be and the same is hereby repealed; and that if the erection of said bridge shall be commenced within two years from and after the passage of this act, and if the said bridge shall be completed on or before the first day of July, one thousand eight hundred and fifty, the corporate powers and privileges granted by the said act of seventh of April, one thousand eight hundred and thirty-two, and all other provisions thereof not hereby repealed, be and the same shall be continued, extended and enjoyed, in the same manner, and to the same effect, as if the several matters and things required by the said act to be previously done, had been fully done at and before the times therein specified respectively.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

Time for opening
books extended.

Commissioners.

Commencement
limited.

No. 232.

A N A C T

To protect the interest of the commonwealth, in the Dickinson college lands.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the surveyor general and state treasurer, are hereby required to investigate the condition of all the tracts of land, which make up the ten thousand acres granted to the trustees of Dickinson college, by the act of seventh of April, one thousand seven hundred and eighty-six, and which were re-invested in the commonwealth, by virtue of the act of twentieth day of February, one thousand eight hundred and twenty-one, and to make a full and explicit report thereof to the legislature, by the first Tuesday of January next, stating the nature of the claim, if any exist, of the occupant to each tract of land, and the value of such tract; and showing where sales have been made, the amount of purchase money paid, and the amount remaining unpaid on each tract, together with the terms of sale thereof. Duties of surveyor general and state treasurer.

SECTION 2. That said officers shall have authority to institute any legal proceedings, which, upon an examination of all the facts involved, they may deem necessary and proper, to secure the interests of the commonwealth connected with said lands; and no new warrants and no patents shall issue, nor acceptance of warrants already issued be made for any of said lands, unless the same shall be authorized, on terms to be fixed by future legislation. Power to institute actions.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 233.

AN ACT

To annul the marriage contract between Robert S. Patterson and Louisa Patterson,
his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Robert S. Patterson, and Louisa, his wife, (late Louisa Radcliff,) of Fayette county, be and the same is hereby declared null and void, and the parties discharged from all obligations and liabilities growing out of the same, as fully and absolutely as if they had never been joined in marriage.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 234.

AN ACT

Changing the time of electing treasurers in Erie and Potter counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the next election for treasurers of Erie and Potter counties, shall be held at the general election for the year one thousand eight hundred and forty-six, and elections for treasurer, in said county, shall be held at the expiration of each succeeding two years thereafter; and at the expiration of the term of office of the present treasurers, the commissioners of said county shall appoint a treasurer to serve one year, and the treasurers so appointed, and the treasurers thereafter elected, shall give bonds as required by law, and the proceedings in said office shall in all other respects be regulated by, and the said treasurers shall be subject to, the general laws of this commonwealth respecting county treasurers, except that the third section of the act relating to the election of county trea-

surers, and for other purposes, passed May twenty-seventh, eighteen hundred and forty-one, shall not apply to the aforesaid appointment of a treasurer, by the commissioners of said county.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 235.

A SUPPLEMENT

To an act to incorporate the Perry county mutual fire insurance company, passed the eighteenth day of April, one thousand eight hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Extension of the Perry county mutual fire insurance company, incorporated by the business act of the eighteenth day of April, one thousand eight hundred and forty-three, may and they are hereby authorized to effect insurances in any of the counties of this commonwealth.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 236.

AN ACT

Confirming the title to certain real estate in John F. Lamb.

Preamble.

WHEREAS, William Overington and wife, by indenture, dated the fourteenth day of March, in the year of our Lord one thousand eight hundred and forty-two, granted and conveyed to the Right Reverend Francis Patrick Kenrick, of Philadelphia, a certain lot of ground in the borough of Frankford, in the county of Philadelphia, to hold to the said Francis Patrick Kenrick, his heirs and assigns, in trust, nevertheless, for the Roman Catholic congregation of the borough of Frankford, in the county of Philadelphia:

And whereas, The said lot having been found unsuitable for the purpose of said congregation, the said Francis Patrick Kenrick, by indenture, dated the tenth day of June, Anno Domini, one thousand eight hundred and forty-four, granted and conveyed the said lot to John F. Lamb, M. D., of said borough of Frankford, free and discharged from the said trust, and took and received from the said John F. Lamb, a conveyance of another lot in the said borough, to the use of the said Roman Catholic congregation:

And whereas, By reason of the defective organization of the said Roman Catholic congregation, no assent could be given by said congregation to the said conveyance and exchange:

And whereas, Doubts have arisen whether the title, vested in the said John F. Lamb, is free and discharged from the said trust; therefore,

Title to John F.
Lamb confirmed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the title of the said John F. Lamb, and of all and every person or persons hereafter lawfully to claim under him by purchase, descent or otherwise, of the said lot of ground, conveyed to him by the said Francis Patrick Kenrick, as is hereinbefore recited, on the tenth day of June, Anno Domini, one thousand eight hundred and forty-four, shall be, and the same is hereby confirmed and made valid, free, and discharged from the said trust, to the same extent and effect, to all intents and purposes, as if at and before the execution of the said deed, the said Francis Patrick Kenrick had full power and authority to convey the said lot, free and discharged from the said trust, and as if the said Roman Catholic congregation had been duly and legally organized, and their assent thereto duly signified and made.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 237.

A N A C T

Relating to the election of path masters in the township of Jackson, in the county of Susquehanna, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the qualified voters of Jackson township, in the county of Susquehanna, may at their township elections elect any number of path masters, not to exceed ten; the said path masters to be amenable to the supervisors of the township for the faithful performance of their duties, and to receive the same pay as other laboring hands receive on the highways: *Provided further,* That in case of refusal or neglect to elect the said path masters, the supervisors of the said township have authority to appoint the same.

SECTION 2. That hereafter the qualified voters of the township of Wyoming county, Monroe, in the county of Wyoming, may elect three supervisors of ty, supervisors in roads, annually, at their spring elections. Monroe township

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 238.

A N A C T

Regulating the pay of auditors in Berks county, and for other purposes.

Berks county,
auditors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever auditors are appointed by the orphans' court of Berks county, or the court of common pleas of said county, they shall each be entitled to receive the sum of one dollar and fifty cents for each day they shall necessarily attend to the duties of their appointment: *Provided,* That the pay of any one of the auditors shall in no case exceed the sum of four dollars and fifty cents, without the special order of the court.

Township lines,
&c.

SECTION 2. That whenever application by petition shall be made to the court of quarter sessions of Berks county, for the purpose of erecting a new township, or altering the lines of any township, or of ascertaining and establishing the lines or boundaries of any township, the three impartial men appointed by said court, upon any such application, together with all other charges and expenses, shall be paid by the parties applying.

Lebanon county,
auditors.

SECTION 3. That whenever auditors are appointed by the orphans' court of Lebanon county, or the court of common pleas of said county, they shall each be entitled to receive the sum of one dollar for each day they shall necessarily attend to the duties of their appointment, and the additional sum of three dollars for making the report: *Provided,* That the daily pay of any one of the auditors shall in no case exceed the sum of five dollars, without the special order of the court.

Montgomery co.,
Sweede street.

SECTION 4. The commissioners named in the fourth section of the act, entitled "An Act relating to views of roads and damages in the counties of Monroe and Montgomery, and for other purposes," approved April seventh, one thousand eight hundred and forty-five, are hereby authorized and required to view and widen Sweede street, mentioned in said section, between Chesnut street and the north-east borough line, or any part of the same which is not sixty-six feet wide to that width, in the same manner, and under the same provisions, as they are authorized to widen any other street or road mentioned in said section; and the fifth section of the above recited act is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 239.

AN ACT

Relative to the Kishacoquillas feeder, at Lewistown.

WHEREAS, The Kishacoquillas feeder, near the borough of Lewistown, in the county of Mifflin, has been abandoned by the canal commissioners as useless: *And whereas*, The commonwealth, by her agents, had agreed to keep the dam and feeder in repair which supplied the said feeder: *And whereas*, The late and present owners of said dam claim damages from the commonwealth for repairs done the said dam and feeder; therefore,

Preamble.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That in consideration of John Sterrett and James Potter, jr., (the alienees of James Milliken, with whom the contract above set forth was made,) releasing all claims of any and every kind against the commonwealth; and also, obtaining a like release from James Milliken, for, or on account of repairs to the said dam across Kishacoquillas creek and feeder, and agreeing to keep the same in repair at their own expense, the commonwealth hereby releases to the said John Sterrett and James Potter, jr., their heirs and assigns, all, and every claim, right, benefit, use and privilege which the said commonwealth has, of, in, to, or out of the said dam and feeder, except so much of said feeder, including the aqueduct over Kishacoquillas creek, as is situated between said creek and the Pennsylvania canal, and the same is hereby vested in the said John Sterret and James Potter, jr.: *Provided nevertheless*, That the said John Sterrett and James Potter, jr. shall, within twenty days after the passing of this act, file their release of damage in the office of the auditor general.

Release.

Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 240.

AN ACT

Relative to the claim of James Lyon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer be and he is hereby authorized to pay James Lyon, treasurer of the board of commissioners, to sell certain lots of ground adjoining the town of Beaver, the sum of thirty dollars and eighty cents, far money overpaid the commonwealth, as appears by his settlement with the auditor general, the twenty-eighth day of February, eighteen hundred and forty-five, in pursuance of an act of assembly, passed May twenty-ninth, eighteen hundred and forty.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 241.

A FURTHER SUPPLEMENT

To an act to authorize the governor to incorporate a company to make a lock navigation in the river Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the president and managers of the said company be and they are hereby authorized to appoint an agent or agents, at such place or places within the United States as they may deem proper, to receive and allow to be entered in a book or books, to be kept by said agent or agents, for that purpose, transfers of the stock of said company; and that transfers of said stock may be made, either at the office of said company, or at such agency or agencies, under such regulations as the said president and manages shall adopt.*

SECTION 2. That no loan of money or contract, which may be made by any person or persons to or with the president, managers and company of the Schuylkill navigation company, for the purpose of enlarging

Transfer.
Agents.

their works, shall be deemed or taken to be usurious for or by reason A greater interest of such company agreeing to pay a greater interest than at the rate of than six per cent. six per cent. per annum, or giving its bonds or other evidences of debt on loans, authorized for a greater sum than the sum actually lent them, but such loans and contracts shall be deemed and taken to be lawful and valid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The tenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 242.

A FURTHER SUPPLEMENT

To the several acts heretofore passed, relating to the Union canal company, of Pennsylvania.

WHEREAS, The condition of the Union canal company, encumbered by debt, exceeding three times its capital, and having made an assignment of all its property, for the benefit of its creditors, is such, as to put an end to all hope, that this ancient and favored improvement can, under its present organization, be so resuscitated, as to pay even the interest upon its debts, or to be available to the commonwealth, as one branch of her internal communications : Preamble.

And whereas, The loanholders and stockholders of the company have agreed, by very general consent, to an accommodation, which it is believed, will re-establish the affairs of the company, and restore the usefulness of the canal, and have prayed legislative aid to carry out their views ; now, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* New stock and a new stock shall be created, by a combination of the interests of the existing stockholders and loanholders in the following manner, that is to say :—The nominal or par value of each share of stock shall continue to be as heretofore, two hundred dollars ; and for every ten shares of the stock now existing, the holders shall be entitled to receive one share of the new stock ; and for every two hundred dollars due to the loanholders, (including interest to be computed on every sum due to them, from the period when each sum becomes due,) the sixteenth April, eighteen hundred and forty-five, the loanholders shall receive one share of such new stock, which stock thus created, shall constitute the present capital stock of the said company.

SECTION 2. It shall be the duty of the board of directors of the said Union canal company, as soon after the passage of this act as may be, to open books, and receive subscriptions of such loanholders and Subscriptions.

stockholders, as may assent to the provisions of the same ; which books shall be kept open for the space of thirty days, and at the expiration of that time, the said directors shall call a meeting, whereof ten days public notice shall be given of such loanholders and stockholders, as shall, in writing, have signified their assent as aforesaid ; which meeting shall by a majority of votes, to be taken and counted as declared and provided for in the fourth section hereof, determine to carry out the provisions of this act, or to decline the same ; and if said meeting shall resolve to decline the same, then the said loanholders and stockholders shall continue to enjoy respectively, all the rights which they now hold or are entitled to ; but if the said meeting shall resolve to carry out the provisions of this act, then the said directors shall, forthwith, proceed to call in and receive the surrender of all existing certificates of shares of stock, and of all existing certificates of loan, and of all existing certificates heretofore granted for interest due on loans of such assenting loanholders and stockholders, and to issue new shares of stock to the holders thereof, agreeably to the requisitions of the preceding section : and if any holder shall not possess sufficient stock or sufficient loan, to entitle him to a certificate for one or more shares of stock, the certificate to be issued to such holder shall designate, and be for such fractional part of a share, or such number of shares and fractional part of one share, as may fully express the real amount of their interest in the said new stock.

Certificates of stock.

Surrender certificates of stock and loan, and issue of new ones.

SECTION 3. If any stockholder or loanholder, who shall have assented in writing to the provisions of this act, contained in the preceding sections, residing in the United States, shall neglect or refuse to surrender his certificates of stock, or his certificates of loan, within thirty days after the meeting provided for in the preceding section, or any stockholder or loanholder residing out of the United States, shall neglect or refuse to surrender his certificate of stock, or his certificate of loan, within sixty days after the time aforesaid, it shall be the duty of the directors to prepare and execute the proper certificates of stock for such person or persons, in their names, or the names of their agents or representatives, as the said directors may be able to ascertain the same, and to file such certificates among the archives of the company, to be delivered to the proper owners, whenever the old certificates shall be surrendered : and from the time when such certificates shall be executed and filed, the endorsement of which, on such certificates, shall be evidence of the fact, the said stockholders or loanholders so neglecting, shall forfeit all right, whatsoever, as stockholders or loanholders under his old certificate.

Votes.

SECTION 4. Every stockholder under this act shall be entitled, at all meetings of the stockholders, and at all elections to be held by the stockholders, to one vote for each and every full share of stock he may hold.

New shares.

SECTION 5. The said Union canal company, after it shall thus be re-organized, shall have power to increase its capital by issuing new shares to any extent, which may be authorized by a meeting of the stockholders, called according to the charter ; and it shall also have power to borrow such sums as may, by the directors, be deemed necessary to enlarge and perfect the works, and to secure the lenders by a mortgage upon the property and franchises of the corporation, in such manner that in case of a sale under such mortgage, the said franchises may pass to the purchasers, as fully as they are now held by the company, or shall be under this act.

Loanholders under mortgage.

SECTION 6. That such loanholders as shall assent to the provisions of this act, shall, notwithstanding the surrender of their certificates of loan and acceptance of certificates of stock, continue to be entitled to all the

benefit and advantage, and to claim payment of their interest and principal, under the mortgage or assignment executed by said Union canal company, dated the first day of September, eighteen hundred and forty-one, and recorded in the county of Philadelphia, in mortgage book G S, number fifteen, page forty-seven, as well as in other counties of the commonwealth, as fully as they now are, or as the non-assenting loanholders are or may^{be}, until all the loanholders shall have assented to this act; upon which assent, and that of the company being had and obtained, and upon payment of the debts secured by the said mortgage or assignment, it shall be lawful for the supreme court, upon petition of said company setting forth the facts, and upon such public as they may deem necessary, to order said mortgage or assignment to be vacated, the property and effects therein mentioned to be reconveyed to the said company, and satisfaction to be entered on the record of the same, in the several counties in which it is recorded by the respective recorders of deeds of the same: *Provided however, Proviso.* That if any loanholder shall receive, under the provisions of this section, any part of the principal due on his said loan, the same shall be endorsed on his certificates of stock, and operate as a reduction and extinguishment pro tanto of the nominal value of such certificates.

SECTION 7. That all persons holding either stock or loan of the said *Stock held in* company in any fiduciary capacity, shall be, by all the courts of this *trust.* commonwealth, held to be fully justified by this act, in surrendering the stock or loan held by them, and taking new certificates as hereinbefore provided for; and if the cestui que trust shall at any time seek to hold such trustees to any accountability for so doing, such trustees may give this act in evidence as a bar to such attempt: *Provided, That this act shall not go into effect until its provisions shall have been accepted, at a meeting of the company regularly called, according to its charter.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 243.

AN ACT

To relieve canal and railroad companies from penalties for not performing certain acts on the Sabbath day.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That no part of any act of assembly heretofore passed, shall be construed to require any canal or railroad company to attend their works on the Sabbath days, for the purpose of expediting or aiding the passage of any boat, craft or vehicle along the same; any clause or clauses in their respective charters, imposing a penalty for not aiding boats, crafts or vehicles to pass within a certain time, to the contrary notwithstanding.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 244.

AN ACT

Authorizing the governor to incorporate a company to erect a bridge over the Clarion, in Elk county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James L. Gillis, George Dickinson, John Cobb, Joseph S. Hyde, James Gallaher and Edward Darby, all of Elk county, or a majority of them, be and are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say: They shall, on or before the first day of June next, provide a book or books for entering of subscriptions, and shall write therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Ridgway bridge company, for erecting a bridge over the Clarion river, at or near the mouth of Elk creek, in the county of Elk, the sum of ten dollars for each and every share of stock in the said company set opposite our respective names, in such manner and pro-

Commissioners.

Form of subscription.

portions, and at such times as shall be determined on by the president and managers, in pursuance of an act of the general assembly, entitled 'An Act authorizing the governor to incorporate a company to erect a bridge over the Clarion river, in the county of Elk.' Witness our hands this day of in the year of our Lord one thousand eight hundred and ;" and shall thereupon give notice in ten printed advertisements, in Elk county, at least one month, of the times and places where and when the said books shall be open to receive subscriptions; at which times and places some one or more of the said commissioners shall attend for that purpose, and keep open the said books during six hours in each of three successive days, or until fifty shares shall be subscribed; and if fifty shares shall not be subscribed within that period, then the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment public notice shall be given in some one or more of the newspapers before mentioned: *Provided, always,* That every person on entering his name in the said books as a subscriber, shall pay two dollars on each share he shall subscribe, as a fund out of which shall be defrayed the expenses attending the taking of subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized, such first payment on each share to be taken and considered as a part payment on each share subscribed. Subscription.

SECTION 2. As soon as fifty shares shall have been subscribed, the said commissioners, or a majority of them as aforesaid named, may certify the same, together with a list of the subscribers and the shares subscribed by each, in writing to the governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate or politic, by the name and style of the president and managers of the Ridgway bridge company, for erecting a bridge over the Clarion river, at or near the mouth of Elk creek, in the county of Elk, with all the privileges incident to a corporation; who shall have perpetual succession, and shall be capable of taking and holding the said capital stock, and the increase and profits thereof, and of enlarging the same by new subscriptions, if such enlargement shall be necessary to fulfil the purposes of this act, in such manner and form as they may think proper, and of purchasing, taking and holding, to them and to their successors and assigns in fee simple, or for any less estate, all such lands, tenements, or hereditaments, real and personal, as shall be necessary and convenient for them in the prosecution of their work, and the same to sell and dispose of at their pleasure, of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do. Letters patent.

SECTION 3. Any ten of the persons named in the letters patent of incorporation, shall, as soon as conveniently may be after sealing the same, give notice in ten or more printed advertisements, of a time and place to be appointed, not less than twenty days from the time of issuing said notice, at which time and place the said subscribers shall proceed to organize the corporation, and shall choose by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person or by proxy, duly authorized, one president, three managers, one person for secretary and treasurer, and such other officers as they may think necessary to conduct the business of the company during one year, and until other officers be chosen; and shall have power to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as may be necessary for Powers and privileges.

Organization.

Officers.

By-laws.

Proviso.

Votés.

the well ordering the affairs of the company : *Provided always*, That no stockholder shall have more than one vote for each share, not exceeding five shares ; and one vote for every two shares above five, and not exceeding eleven ; and one vote for every three shares above eleven, and not exceeding twenty ; and one vote for every five shares above twenty : *Provided also*, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may have subscribed.

Annual meetings.

SECTION 4. A public meeting of said stockholders shall be held on the first Monday of August next, following the first election had as aforesaid, and on the first Monday of June, in every succeeding year. at such place as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interests of said company.

Certificates.

SECTION 5. The president and managers shall procure printed certificates for all the shares of stock in the said company, which shall be signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation ; and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer, in part, of the sum due thereon, two dollars on each share, which certificates shall be transferable, either by the owner in person, or by his attorney duly authorized, in the presence of the president, or of the treasurer for the time being, subject, however, to the payments due or that may grow due thereon ; and the persons to whom such transfer shall be made, shall stand in the place of the former holder of the certificate, and be entitled to the same privileges in the company.

Transferable.

Quorum.

Engineers,
agents, &c.

SECTION 6. The president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting the business of the company, at which meeting two members shall be a quorum, who, in the absence of the president, shall choose a chairman, and shall keep minutes of their proceedings, to be fairly entered in a book to be kept for that purpose, and a quorum being met, they shall have full power and authority to appoint such engineers, assistants and workmen, as they shall deem necessary to the erection of said bridge, and they shall fix their salaries and wages ; they shall also have power to make contracts, to ascertain the times, manner and proportions, in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for the money necessary to pay salaries, wages and bills, for work done and labor performed, or materials furnished, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such other matters and things as by this act, or by the by-laws of the company, shall be committed to him.

Penalty for neglect to pay instalments.

SECTION 7. If any stockholder, after thirty days notice in a printed or written notice of the time and places appointed for the payment of any proportion, dividend or instalment of said capital stock still due on each share, shall neglect to pay the same for the space of thirty days, after the day whereon the same shall be appointed to be paid, every such stockholder shall, in addition to the instalment so called for, pay at the rate of four per cent. per month, for every delay of such payment ; and if the same, and the said additional penalties shall remain unpaid so long, that the accumulated penalties shall become equal to the sum already paid on such share, the same shall be forfeited to the company, and may be sold under the direction of the president and managers, or the majority of a quorum of them at any of their meetings for

transacting the business of the company; the order for that purpose being first entered in the minute book by the clerk, at such meeting.

SECTION 8. Before the president and managers of the company aforesaid, shall proceed to build said bridge, it shall and may be lawful for them to contract with the owner or owners of any land, for the purchase of so much thereof, as shall be necessary for the purpose of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers, to apply to the court of common pleas, of Elk county, who, upon such application, are hereby authorized and required to appoint two discreet and disinterested freeholders of this state, and also to call upon the owner or owners of said lands, whose duty it shall be to appoint one, who after being duly sworn or affirmed, faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said lands, as shall be necessary for the purpose of erecting and completing the said bridge, and making all the necessary works and causeways to and from the same; and shall, according to the best of their skill and judgment, estimate the value of the lands so necessary to be taken, as aforesaid, and having estimated the advantages, as well as disadvantages which may be sustained by the owner or owners of such lands, shall make an appraisalment thereof in writing, and the same shall return, together with a map describing the bounds of such lands, to the said court of common pleas; and the said appraisalment having been confirmed by the court, shall be filed in the prothonotary's office, together with the said map, and the said president, managers and company having paid to the said owners respectively, the several sums awarded to be paid to them, together with the costs of appraisalment, the said corporation shall be entitled to have and to hold, to them and their successors and assigns, the said lands, as fully as if they had been granted by their respective owners.

Purchase of land
and assessment of
damages.

SECTION 9. The president and managers of said company shall keep fair and just accounts of all moneys received by them from the subscribers to the capital stock of said company, for all penalties for delay in payment thereof, and of the amount of the profits on shares which may be forfeited, as aforesaid, of all voluntary contributions, and of all moneys expended by them in the prosecution of the said work; and shall once in every year submit such accounts, in detail, to a general meeting of the stockholders, until the said bridge be completed; and all expenses incurred in erecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained; and if such liquidation, or whenever the whole capital stock of the said company be nearly expended, it shall be found that the said capital stock will not be sufficient to complete said bridge, according to the true intent and meaning of this act, it shall be lawful for the said company, at a stated or special meeting to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent, as shall be deemed sufficient to accomplish the work; and to demand and receive the moneys subscribed on such shares, in like manner, and under like penalties as are herein provided for the original subscription.

Accounts.

Increase of stock.

SECTION 10. When the Ridgway bridge company shall have erected and completed a bridge at the place aforesaid, the property thereof shall be vested in the said company and their successors and assigns during

Tolls.

and unto the end of forty years, to commence from the time when said bridge shall be completed; and the said company, their successors or assigns, are hereby empowered to erect gates and demand and receive tolls as follows, viz: For every foot passenger, four cents; for every carriage or wagon, used for the purpose of agriculture, having four wheels, eight cents for each horse drawing the same; for every carriage, wagon or cart, used for the purpose of agriculture, having two wheels, eight cents for each horse drawing the same; for every carriage used for personal accommodation or pleasure, having four wheels, twenty cents for each horse drawing the same; for every carriage having two wheels, used for personal accommodation or pleasure, twenty cents for each horse drawing the same; for every sleigh or sledge, fifteen cents for each horse drawing the same; for every horse, mare or gelding, with or without rider, six cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in proportion of two oxen for one horse; and in all cases a mule shall be rated in the same proportion as a horse; for every head of horned or muley cattle, four cents; for every head of sheep or swine, two cents:

Proviso.

Provided, That any person or persons attending funerals, going to or returning from divine worship, elections or military trainings, and students and children attending schools or seminaries of learning, shall at all times be exempted from the payment of any toll: *Provided*, That nothing in this act shall be so construed as to prevent the said company from contracting with any person or persons desirous of using said bridge, for an annual sum in place of the toll hereinbefore mentioned: *And provided also*, That the cost of the erection of said bridge shall be filed in the office of the commissioners of Elk county; and the commissioners of said county are hereby authorized to purchase, and the said bridge company are required to sell and deliver up to the said commissioners, the said bridge on the payment of cost and interest; and when so given up to the commissioners of said county, it shall thereafter be a county bridge, and the commissioners of the said county shall keep the same in good repair thereafter.

Commissioners
may purchase
bridge.

Penalty for ex-
acting too great
toll.

SECTION 11. If the said company, their successors or assigns, or any person employed by them, shall collect or demand any greater rate or prices for passing over said bridge than what is hereinbefore prescribed, or shall neglect to keep said bridge in repair, he or they shall forfeit and pay for every such offence, the sum of twenty dollars, to be recovered before any justice of the peace of said county, one-half whereof to be paid to the overseers of the poor of the township of Ridgway, and the other half to the person who may sue for the same: *Provided always*, That no suit shall be brought in respect of this, unless within fifteen days after the offence be committed: *And provided also*, That the judgment of the said justice in any case brought before him, shall be liable to reversion, either by appeal to the court of common pleas of said county, if the merits of the case be contested, or by certiorari, if the legality of his proceedings or jurisdiction be disputed.

Proviso.

Dividends.

SECTION 12. The said president, managers and company, shall keep a just account of all moneys received by their several collectors of tolls for crossing the said bridge, and shall declare and make a dividend of the income and profits thereof among all the subscribers to the said company's stock, in proportion to their respective shares; first deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing or the rebuilding of the said bridge, as time and accident may render

necessary, and shall, on the first week of June of every year, publish the dividend to be made of the clear profits arising from the tolls among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly, in ten days thereafter, or as soon as the same shall be demanded.

SECTION 13. It shall and may be lawful for the president and managers, their superintendents, surveyors, engineers, artists and hands, **Power to enter upon lands.** when so directed or authorized by the president or managers, to enter in and upon all the lands, tenements and enclosures, for the examination and location, and they shall have full liberty to take and carry away all stone, gravel, and other materials necessary for the completion of said bridge, paying a just compensation for the same; and in case of the refusal to pay the owner of the said material therefor, suit may be sustained and recovery had, in like manner as other debts are now recoverable by law.

SECTION 14. The commissioners of the county of Elk, and the supervisors of the township of Ridgway, are authorized and empowered to subscribe to the capital stock of said company, such number of shares as they may deem right and proper, in which event the commissioners of said county, or the supervisors of the said township, shall have the right to vote at the elections of said company, under the same provisions as private individuals. **Commissioners and supervisors authorized to subscribe stock.**

SECTION 15. If any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of the said bridge, or any toll-house, gates, bars, or other property of the said corporation, erected for the use of said bridge, or the persons employed in conducting the business thereof, or shall wilfully deform or destroy the letters or figures in any list of the rates or tolls, affixed in any place for the information of passengers, or who shall wilfully or maliciously obstruct or impede the passage on or over the said bridge, or any part or parts thereof, he, she, or they, so offending, shall each of them forfeit and pay, for every such offence, to the said corporation, the sum of thirty dollars, to be sued for and recovered before any justice of the peace or alderman, as debts of like amount are recoverable; and he, she or they, so offending, shall remain liable to actions at the suit of said corporation for such wrongs, if the said sum or sums herein mentioned be not sufficient to repair and satisfy said damages: **Penalty for injuring work.** *Provided* always, That no such suit shall be brought, unless within thirty days after such offence shall have been committed, and the judgment of the said justice or alderman shall be liable to reversal, as provided for in similar cases by law. **Provide.**

SECTION 16. The said company shall not have power to issue any note or notes, in the nature of bank notes, or to make discounts, or receive deposits after the manner of any bank or banks, or to do or conduct any other business in the nature of banking business; and in case they should do so contrary to the provisions of this section, then their chartered privileges shall be null and void. **Banking.**

SECTION 17. If the president, managers and company, for erecting the bridge aforesaid over the Clarion river, shall not proceed to carry on the said work within the space of five years from the passing of this act, and shall not within the space of six years from the passing thereof complete the same, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights and privileges hereby granted to said company. **Commencement and completion limited.**

Rates of toll may be lessened. SECTION 18. That the legislature shall have power to alter the rate of tolls fixed by this act, and the managers of said company may lessen the same whenever they shall believe it necessary, for the well being of the company, or the community at large.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 245.

AN ACT

To prevent the hunting of deer with dogs, in the county of Warren.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, if any person or persons, in the county of Warren, shall hunt, chase or follow, with any dog or dogs, with the design to kill or destroy any unwounded buck, doe or fawn, within said county, at any season of the year, or shall entice any dog or dogs to chase as aforesaid, with the like design, he or they, on being convicted thereof, shall forfeit and pay, for every such offence, the sum of twenty-five dollars, to be sued for and recoverable with costs of suit, before any justice of the peace, in the name of the commonwealth, at the instance of any person who will sue therefor, as debts of like amount are now recoverable by law; one-half of said fine or penalty shall be paid to the person or persons suing for the same, and the other half to the treasurer of said county, for the use of the county.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 246.

AN ACT

Relating to certain turnpike road companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the stockholders in the Bellefonte and Philipsburg turnpike road company, and the Philipsburg and Susquehanna turnpike road company, and the Centre and Kishacoquillas turnpike road company shall each, on the first Monday in March, elect by ballot five managers, (one of whom shall be chosen president,) and such other officers as they shall think proper to manage the concerns of the said company for the ensuing year, and until others shall be duly chosen in their respective places. Bellefonte and Philipsburg—Philipsburg and Susquehanna, and the Centre and Kishacoquillas turnpike road companies.

SECTION 2. That should any of the stockholders be in arrears in any stock subscribed to either of the said companies, it shall and may be lawful for either of the said companies, to give three months notice thereof to the said subscriber, their executors or administrators, of the amount due, with lawful interest thereon, from the time the same was due and unpaid; and after such notice aforesaid, it shall and may be lawful for the said companies, within ten days thereafter, to proceed to forfeit the whole so due and unpaid, for the benefit of the said company or companies. Forfeiture of stock.

SECTION 3. That so much of any act or acts of assembly, as is hereby altered and supplied, be and the same is hereby repealed. Repeal.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 247.

AN ACT

To annul the marriage contract of Reynolds M'Pherson and Elizabeth, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract heretofore entered into between Reynolds M'Pherson and Elizabeth M'Pherson, his wife, be and the same is hereby annulled and declared void, and the parties released and discharged from the said contract, and from all legal duties and obligations arising therefrom, as fully and effectually, as if they never had been joined in marriage.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 248.

AN ACT

To incorporate the village of Troy, in Bradford county, into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the village of Troy, in the county of Bradford, and territory included within the following boundaries, to wit:—Beginning at a stake in the Elmira road, near the north-east corner of the bridge across Sugar creek, near D. Dobbins' house; thence west one hundred and thirty-eight rods, (or thereabouts) to an elm tree, on O. P. Ballard's east line; thence south forty-six degrees, west ninety-one perches, to a stake on the north side of the road leading to Wellsborough; thence south twelve and a-half degrees, west one hundred rods, to a stake on Jerry Adams' land; thence south eighty-two degrees, east one hundred and five and a-half perches to a dry maple tree, on lands of Seely Mann; thence north fifty degrees, east one hundred and forty-one and five-tenth perches to a stake, on land of S. W. Paine, on south side of the road leading to Burlington; thence north seven and a-half degrees, east eighty-five rods,*

Boundaries.

to the place of beginning; is hereby erected into a borough, to be called and stye'd the borough of Troy.

SECTION 2. That all the provisions of an act, entitled "An Act to Powers, privilege, incorporate the town of Hookstown, in the county of Beaver, into a leges, duties, &c. borough," passed the eighteenth day of April, one thousand eight hundred and forty-three, from the second section inclusive, be extended to the borough of Troy: *Provided*, That the constable of Troy township shall notify, for the first election for borough officers, the same as he is required to do for township elections; and the said election shall be held and conducted by the inspectors and judge of the township of Troy, for the time being, in manner and form under existing laws, for holding township elections: *And provided further*, That nothing herein contained, shall be construed to exonerate the citizens of the borough of Troy, from the payment of their share of the present debts and liabilities of the township of Troy, the same as though this act had not been passed.

Proviso.
Notice of election.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 249.

A SUPPLEMENT .

To an act, entitled "An Act concerning the trust estate of Hugh Roberts, deceased, and for other purposes," passed July sixteenth, one thousand eight hundred and forty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the trustee and trustees, for the time being, of the residuary estate of Hugh Roberts, late of the township of the Northern Liberties, deceased, shall have power, in his or their discretion, the consent of the devisee for life, and of a majority of the cestui que trusts interested in the same being first had and obtained, to apply out of the principal moneys of the said trust estate a further sum of six thousand five hundred dollars, in addition to the sum already expressed in the third section of the act, to which this is a supplement, to the further improvement of the church alley estate therein described, with the same and like powers, limitations and conditions in all respects in relation thereto as are in the said third section of the act, to which this is a supplement, already given and set forth concerning the same, and the said trustee and trustees shall be entitled, in like manner, to credit in his and their accounts, for the money so as aforesaid expended: *Provided*, That the court of common

Bond.

pleas of Philadelphia county, shall first approve of the application of the trust fund as directed in this act; and the said trustee or trustees shall give a bond to the commonwealth, with sufficient security, for the use of the parties interested, in such amount as the court may direct and approve, conditioned for the faithful application of the moneys of the trust estate, according to the directions of this act, and to account fully for the same to those interested.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 250.

AN ACT

To provide for the appointment of a reporter of the decisions of the supreme court of the commonwealth of Pennsylvania.

Governor to appoint and commission.

Bond.

Oath.

Judges to furnish opinion.

Provide.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the governor shall appoint, and on having taken the security hereinafter required, shall commission, before the first day of July next, for the period of five years, and on the expiration of every five years thereafter, a person of known integrity, experience and learning in the law, to be the reporter of the decisions of the supreme court of this state, who shall give bond to the commonwealth, with at least two sufficient sureties, to be approved by the governor, in the sum of ten thousand dollars, upon condition for the correct and faithful performance of his official duties; and shall further take and subscribe before some judge, an oath or affirmation, to be filed in the office of the secretary of the commonwealth, that he will perform said duties of his office with correctness, impartiality and fidelity.

SECTION 2. That the judges of the supreme court shall reduce their opinion in every case to writing, at the time such case may be decided, endorsing thereon also whether said court deem the opinion of sufficient importance for publication, and shall immediately file the same, together with one of the paper books, amongst the records of said court, where said reporter shall be authorized to receive and retain the same for such reasonable time as he may require to make a copy thereof, when the said opinion shall be returned, and remain a part of said records: *Provided,* That no minority opinions of the said court shall be published by said reporter.

SECTION 3. That said reporter shall correctly arrange, with suitable indices and captions, all the opinions of said court, with a statement of

the material facts and points made in each case, endorsed of sufficient importance for publication, and such of the others as he shall deem necessary and important for publication, so that the same shall be annually contained in two volumes, if so many shall be necessary, and in number not less than five hundred copies of each volume, which shall not be sold by said reporter or his vendee, or any other person, at a rate higher than four dollars per volume; and if any reporter, or any vendee of such reporter, or any other person, shall sell any volume of said reports in violation of the provisions of this section, he shall, on conviction thereof, in any court of quarter sessions of the peace, pay a fine of two hundred dollars, one-half thereof to go to the commonwealth, and the other half to the person who prosecutes. Price of reports.

SECTION 4. That said reporter shall publish said reports with type, and on paper as good as those of the reports of the decisions of said court, last heretofore published, and shall furnish the same to the public, well bound in law calf binding, and each volume is to contain not less than five hundred and fifty pages. Execution of said work.

SECTION 5. That the said reporter shall be entitled to receive and enjoy the copy right of said reports, in the same manner as if the same were his own entire original production. Copy right.

SECTION 6. The governor may at any time remove said reporter for incompetency, or a failure to discharge his official duties, on the address of the judges of said court, made to him in writing, and shall have power to fill any vacancy which may occur by death, by an appointment of a reporter to continue for the unexpired term of office, and subject to all the provisions of this act. Removal.

SECTION 7. The title of the reports, published under the provisions of this act, shall be "Pennsylvania State Reports." Title.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 251.

AN ACT

To annul the marriage contract of Michael Hart and Sarah, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract intered into between Michael Hart and Sarah, his wife, late Sarah Grisinger, both late of the county of York, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as fully, effectually and absolutely, as if they never had been joined in marriage.*

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 252.

AN ACT

Authorizing the trustees of the German Lutheran congregation of South Whitehall, in Lehigh county, to sell and convey certain real estate.

Preamble.

WHEREAS, The German Lutheran congregation of South Whitehall, in Lehigh county, by virtue of a patent dated June seventh, one thousand eight hundred and ten, and entered in patent book H, volume three, page five hundred and eighty-six, holds a certain tract of land in the said township of Whitehall, in the county aforesaid, adjoining lands of Philip Koch, Adam Good, Adam Heberly, and others, containing fifty-two acres or thereabouts, with the usual allowance: *And whereas,* The said congregation is desirous to dispose of a certain portion of said tract of land, in order to defray the heavy expenses recently incurred in the erection of a house of public worship, and the present trustees of said congregation do not possess any power to sell and convey any portion of said tract of land; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Henry Schantz and Jacob Litzenberger, the present trustees of said*

congregation, be and they are hereby authorized and empowered to sell either at public or private sale, and to convey in fee simple, such part or parts of the said tract of land as may be agreed upon by a majority of the members of the same, at a meeting, of which two weeks notice shall be given, convened for that purpose; and to make and execute to the purchaser or purchasers thereof, good and sufficient conveyances and assurances in law: *Provided*, That after the said trustees shall have sold such part or parts as may have been agreed upon by the congregation in the manner hereinbefore provided, and before any deed of conveyance shall be executed for the same, the said trustees shall obtain the assent of the members of the said congregation to the price for which the same was sold, in the same manner as is hereinbefore provided as to the part or parts to be sold: *And provided further*, That before such sale, the said trustees shall execute and file in the office of the prothonotary of the county of Lehigh, a bond to the Commonwealth, with such security and such penalty as the court of common pleas of said county shall approve, conditioned for the faithful application of all moneys arising from such sale, to the payment of the debts of said congregation incurred as aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 253.

A SUPPLEMENT

To an act to authorize the trustees of the Reading academy, to transfer the said academy to the school directors of the borough of Reading.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Majority of trustees of the Reading academy, in the county of Berks, be and they are hereby authorized, with the assent and approbation of a majority of the actual members of the said board, to transfer the academy, buildings and lot of ground thereto, belonging in the said borough of Reading heretofore, and now held by the said trustees, conformably with the provisions of the act of assembly incorporating the said academy, passed the tenth day of March, one thousand seven hundred and eighty-eight, to the directors of the common schools of the several wards of the said borough of Reading, for the purpose of establishing and maintaining therein (in lieu of, and instead of the academy as at present established by law) a high school, for tuition in classical literature, and

the higher branches of education, according to a plan to be adopted by the said directors of the common schools of Reading, not inconsistent with the provisions of the act of the general assembly, for establishing a general system of education by common schools, passed the thirteenth day of June, Anno Domini, one thousand eight hundred and thirty-six, and the supplements thereto.

Liens and incumbrances, how paid.

SECTION 2. That the real estate transferred, as aforesaid, shall be held by the said directors of the common schools of the several wards of Reading, subject to the payment of all liens and incumbrances thereon, and all debts due and owing by the Reading academy, or the trustees, on account of, and which the said directors shall pay and discharge out of the common school funds, to be raised by them by taxes, to be levied for that purpose, according to law; and in the event of the repeal of the common school law, or the rejection of the common school system, by the said borough, or of the definitive failure thereof, from any cause whatever, then, and in either of those cases, the said real estate shall revert to the trustees of the Reading academy; and if there be no trustees of said academy then living, the said real estate shall vest in such person, as the legislature of this commonwealth shall, on application, appoint to supply the places of the trustees of the said academy, upon the original trust, created by the act of incorporation, as aforesaid, freed and discharged from the liens and incumbrances, so paid by the directors of the common school of Reading, as aforesaid.

Reversion.

Appointment of trustees.

Montgomery co., Moreland township schools.

SECTION 3. That so much of an act, approved the thirtieth day of July, eighteen hundred and forty-two, entitled "An Act to provide for the education of the poor in non-accepting school districts of this commonwealth, and for other purposes," as makes it the duty of the school directors in non-accepting districts, to issue their warrants to the township supervisors, be and the same is hereby repealed, so far as relates to Moorland township, Montgomery county; and that the school directors of said township may, hereafter, issue their warrants to the collectors of county rates and levies, or to any other collector they may think proper, whose duty it shall be to collect the same, in the same manner, and for the same per centage, as taxes of a like character are collected.

Farms of J. Thompson and J. Snodgrass, in Westmoreland county, attached to Loyalhanna and Salem tps.

SECTION 4. That hereafter the farm of James Thompson, in Loyalhanna township, in the county of Westmoreland, and the farm of John Snodgrass, now in the occupancy of William Tweedy, in Salem township, in said county, shall be attached to, and compose a part of the territory of the Union school district, in said county.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The eleventh day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 254.

A N A C T

To change the venue in certain cases.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That From Lehigh to four certain actions now pending in the court of common pleas of Lehigh Bucks county, brought against William Eckert, Henry Ebner, and others, late directors of the Northampton Bank, to December term, one thousand eight hundred and forty-three, number nineteen; December term, one thousand eight hundred and forty-three, number twenty; April term, one thousand eight hundred and forty-four, number sixty-nine; and September term, one thousand eight hundred and forty-four, number ninety-one; be and the same are hereby removed and transferred to the court of common pleas of Bucks county, to be there tried at one of the regular terms of said court, in the same manner as if they had been originally instituted in the said last named court; and the record in said actions shall be certified by the said court of common pleas of Lehigh county, to the said court of common pleas of Bucks county for trial aforesaid; and on final judgment such writs of execution shall be issued as may be necessary to carry the same into full effect: *Provided,* That the county of Bucks shall not be subjected to any costs or expense in consequence of, or by reason of the transfer and removal of the above actions, but the same, or such part thereof as would otherwise fall on the said county of Bucks, shall be paid by the commissioners of Lehigh county; and that the said final judgments shall be subject to writs of error to the supreme court as in other cases, and in case of reversal and new trials awarded, they shall be re-tried in Bucks county in the same manner as is hereinbefore described.

SECTION 2. That a certain action now pending in the court of common pleas of Lehigh county, of September term, eighteen hundred and forty-three, number one hundred and forty-eight, wherein the Northampton Bank, for the use of James Smoyer, is plaintiff, and William W. Selfridge, administrator of the goods and chattels, rights and credits of Mathew Selfridge, deceased, as defendant, be and the same is hereby removed and transferred to the court of common pleas of Lancaster county, to be tried at one of the regular terms of said court; and the record in said action shall be certified by the said court of common pleas of Lehigh county, to the said court of common pleas of Lancaster county for trial as aforesaid; and on final judgment such writs of execution shall be issued, as may be necessary to carry the same into full effect: *Provided,* That the county of Lancaster shall not be subjected to any cost or expense in consequence of, or by reason of the transfer or removal of the above action, but the same, or such part thereof as would otherwise fall on the said county of Lancaster, shall be paid by the commissioners of Lehigh county: *And provided,* That the said final judgment shall be subject to a writ of error to the supreme court as in other cases, and in case the same should be reversed and a venire facias de novo awarded, the same shall be again returned in Lancaster county in the same manner as is hereinbefore provided: *And provided, further,*

That the parties requesting the removal of the said causes shall, before removing the same, give security in such sum as the court of common pleas of Lehigh county may direct, conditioned for the payment of all costs of suit in case of judgment being rendered against them.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 255.

AN ACT

For the better regulation of police in the city of Philadelphia, and the adjacent districts.

City, districts
and township, to
establish police.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the city of Philadelphia, and the districts of Southwark, Spring Garden, incorporated Northern Liberties, Kensington and Penn., and the township of Moyamensing, in the county of Philadelphia, be and they are hereby required to establish and maintain, respectively, police forces, to consist of not less than one able bodied man, for every one hundred and fifty taxable inhabitants in the said city, districts and townships, respectively, for the prevention of riots, and the preservation of the public peace.

Superintendent
of: and

Regulation of.

SECTION 2. That the councils of the said city, and the commissioners of each of the said districts and township, shall appoint a superintendent of police for their respective corporate limits; and the councils of the said city, and the commissioners of the said districts and township, shall have power to provide, by ordinance, for the regulation and control of their respective police forces, as they may deem proper.

Penalty for non-
compliance with
first section.

SECTION 3. That on failure or neglect of the said city or township, or any of the said districts, to comply with the provisions of the first section of this act, the city, township or district, so failing or neglecting, shall be liable for all loss or damage which may accrue from injury to, or destruction of property within such city, township or district, occasioned by any riot, tumult, or unlawful assembly, within the limits of such city, township or district, to be recovered by action by the owner or owners of such property, against such city, township or district, and in such case the county shall not be liable for such loss or damage.

Proceedings in
case of riots, &c.

SECTION 4. That in case of a riot, tumult, or unlawful assembly, to the disturbance of the public peace, occurring, or being within the said city, township or districts, which the police force of the city, township or district, in which such riot, tumult, or unlawful assembly may be, is unable, or fails or neglects to suppress, it shall be the duty of the sheriff

of the county of Philadelphia, forthwith to make requisition on the several superintendents of police, provided for in this act, for the whole or any part of the police forces under their respective commands, as he may deem necessary for the restoration of the public peace, which requisition the said superintendents shall forthwith obey; and the said sheriff is hereby authorized to require and command the services of the said superintendents, and the police forces under their command, for the suppression of riot and the preservation of the public peace, in any part of the county of Philadelphia.

SECTION 5. That if any persons shall be unlawfully, riotously, and tumultuously assembled together, to the number of twelve or more, to the disturbance of the public peace within the city and county of Philadelphia, it shall be the duty of the sheriff of the said county, either in person, or by some one specially deputed by him for that purpose, or of one of the said superintendents, to go among the said rioters, or as near to them as he can safely go, and there with a loud voice, make proclamation, in the name of the commonwealth, requiring and commanding all persons there so unlawfully, riotously, and tumultuously assembled, and all other persons not being there on duty as police, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business; and if such persons, notwithstanding such proclamation made, unlawfully, riotously and tumultuously remain, or continue together to the number of twelve or more, after such proclamation made, then such continuing together after proclamation so made, shall be adjudged a misdemeanor, and the said offenders, upon conviction thereof, shall be sentenced to undergo a solitary confinement at labor in the county prison, for a period not less than one month, nor more than two years.

Duty of sheriff.

Proclamation.

Penal clause.

SECTION 6. That if after proclamation made as aforesaid, or if the said sheriff or other person authorized as aforesaid, shall attempt to make such proclamation, and shall be prevented by force from making the same, then, after such attempt made, if such persons so unlawfully, riotously and tumultuously assembled, or twelve or more of them, shall continue together, and not disperse themselves forthwith, then it shall be lawful for the said sheriff and superintendents of police, and also for every high constable, constable, and such other person and persons as shall be commanded to be assisting under such sheriff or superintendent of police, who are hereby authorized to command all citizens of age and ability to be assisting to them therein to disperse, seize and apprehend such persons so unlawfully, riotously and tumultuously continuing together, after proclamation made or attempted to be made as aforesaid; and they are hereby required so to do, and to use all necessary force for that purpose; and the said sheriff, superintendents of police, and all and every person or persons so aiding and assisting them, shall be free, discharged and indemnified, as well against the commonwealth as against all and every other person and persons, for or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously and tumultuously assembled or continuing together, after proclamation made or attempted to be made as aforesaid, that shall happen to be killed, maimed or hurt.

Powers of the sheriff when resisted.

Indemnification.

SECTION 7. Every person not belonging to the regular police, summoned, and aiding, and assisting the sheriff and officers of justice in the suppression of any riot, in pursuance of the provisions of this act, shall be paid by the commissioners of the said county the sum of one dollar for each day or part of a day that he shall be so employed, upon presenting the certificate of the sheriff of said county that he was so summoned, and that he did so aid the officers as aforesaid.

Pay of posse comitatus.

Military posse.

SECTION 8. If in any case the sheriff of the said county shall certify in writing to the major general, or commanding officer of the military division, composed of the said city and county, that there is an existing riot, tumult, and unlawful assembly within the said city or county, which the police force under his command is not in his opinion competent to suppress without further aid, and shall require the said major general or commanding officer to assist him with the military force under his command, the said major general or commanding officer shall give the necessary orders to the effect that such military force, or such part thereof as he shall deem necessary, shall be mustered immediately into the service of the commonwealth, and be subject to the laws applicable to such service; and shall proceed in military array and subordination, and by military force, in any part of the said city or county, to restore the public peace by suppressing such riot, tumult, and unlawful assembly, and by seizing and securing the offenders therein for trial and punishment according to law; and it shall be lawful for the said military to proceed in suppression of such riot, tumult, and unlawful assembly, as aforesaid, by such military force and in like manner as in case of war or public insurrection; and the said military force shall continue and remain in service and upon duty and under due military command and subordination, until the said sheriff shall certify in writing to the said major general or commanding officer that the riot, tumult, and unlawful assembly is entirely suppressed; and the military body so called into service, shall be entitled while on actual duty to be paid as follows, to wit: Two dollars a day to the privates, non-commissioned officers and musicians, and four dollars a day to the commissioned officers, and two dollars a day for each horse employed, the amount whereof, together with the expense of their ammunition and artillery used on such duty, shall be paid out of the treasury of the said county; but such military body shall not be required to march to the place of any such riot, tumult, or unlawful assembly, until after the sheriff, or other person authorized by this act to make proclamation as aforesaid, in an audible voice and as near to the said rioters or persons unlawfully assembled as he can safely and with convenience go, shall have commanded such rioters and persons unlawfully assembled, and all other persons not being then and there on duty as police, or as a part of the sheriff's posse, civil or military, to return to their lawful homes and business.

Pay.

When to act.

Sheriff's requisition for military.

SECTION 9. The requisition of the sheriff so made as aforesaid upon the commanding officer of any division, brigade, regiment, battalion, or company, shall be conclusive evidence that the services of the military were necessary for the suppression of such riot, tumult, or unlawful assembly.

Penalty on sheriff, for neglect, &c.

SECTION 10. If the sheriff of the said county, or either of the said superintendents of police shall, after notice or knowledge of any riot, tumult, or unlawful assembly within the said city or county, and a requisition in writing by any two aldermen or justices of the peace, or any five citizens of said city or county, calling upon him or them to suppress the same, refuse or neglect to carry into effect the provisions of this act, he shall, on conviction thereof, be removed from his office and be fined in a sum not less than one hundred dollars nor more than five hundred dollars, in addition to any penalty prescribed by any existing law; and if either of the said superintendents shall refuse or neglect to obey any requisition or command of the said sheriff, which he, by this act, is authorized to make, the superintendent so refusing or neglecting shall, upon conviction thereof, be removed from office and be fined in a sum not less than one hundred dollars nor more than five hundred.

On Superintendents.

SECTION 11. In case of the death, absence, or inability to act of the sheriff, the coroner of the said county shall perform the duties by this in default of sheriff directed to be performed by the sheriff; and in such case the said coroner shall have all the rights, powers, and authority by this act given to the sheriff, and shall be liable to the same penalty in case of his neglect or refusal to carry in effect the provisions of this act, and the said superintendents shall be subject to the same penalty in case of refusal or neglect to obey his lawful requisition or command. Liability.

SECTION 12. Nothing in this act contained shall be construed in any way to impair, diminish, or restrain the duty or authority of any sheriff, coroner, mayor, alderman, justice of the peace, or other officer in this commonwealth, to suppress riot and preserve the public peace; but on the contrary it is expressly declared, that the said power and duty, and all other the powers and duties of sheriffs, coroners, mayors, aldermen, justices of the peace, and other officers, shall continue and remain in as full force as they now are, at common law, or by virtue of any act of assembly. Powers of municipal officers.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 256.

A N A C T

To divide the wards of the district of Spring Garden into election divisions.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the first and fourth wards shall each be divided into two divisions, Eighth street, from Vine street to the northern boundary, shall divide said wards. The second ward shall be divided into two divisions, viz: By Spring Garden, running east and west; and Twelfth street, running north and south. The third ward shall be divided into two divisions, by Hamilton street, running east and west. How divided.

SECTION 2. So much of the first ward, as lies between Sixth street and Eighth street, shall be denominated the first division of the first ward.

So much of said ward, as lies between Eighth street and Tenth street, shall be denominated the second division of the first ward.

So much of the second ward, as lies between Vine street and Spring Garden street, shall be denominated the first division of the second ward.

Second ward.

So much of said ward, as lies between Spring Garden street and the northern boundary, shall be denominated the second division of the *second ward*.

Third ward.

So much of the third ward, as lies south of Hamilton street, shall be denominated the first division of the *third ward*.

Third ward.

So much of the said ward, as lies north of Hamilton street, shall be denominated the second division of the *third ward*.

Fourth ward.

So much of the fourth ward, as lies between Sixth street and Eighth street, shall be denominated the first division of the *fourth ward*.

Fourth ward.

So much of the said ward, as lies between Eighth street and Tenth street, shall be denominated the second division of the *fourth ward*.

Elections, &c.

SECTION 3. Hereafter all elections, (except military,) shall be held within the several wards in said districts.

Places and times
of holding elec-
tions.

SECTION 4. That the court of quarter sessions shall appoint the places for holding the general election in October, one thousand eight hundred and forty-five; and thereafter, the places for holding the general and all other elections in said district, shall be changed in accordance with the provisions of the fifty-sixth section of the act, entitled "An Act relating to the elections of this commonwealth," passed the second day of July, one thousand eight hundred and thirty-nine, and all elections shall be held at the same place.

Conduct of.

SECTION 5. The general election, in the year eighteen hundred and forty-five, shall be held and conducted by the election officers, as follows, viz: The judge and inspectors of the first ward, shall hold the election for the first division of the first ward; and the said judge shall

Duties of judges
and inspectors in
first ward.

appoint one judge, and the said inspectors shall each appoint one inspector, who shall hold the election for the second division of the first

In second ward.

ward. The judge and inspectors of the second ward, shall hold the election for the first division of the said second ward; and the said judge shall appoint one judge, and the said inspectors shall each appoint

In third ward.

one inspector, who shall hold the election for the second division of the said second ward. The judge and inspectors of the third ward, shall

In fourth ward.

hold the election for the first division of the third ward; and the said judge shall appoint one judge, and the said inspectors shall each appoint

Clerk, his powers
and duties.

one inspector, who shall hold the election for the second division of the third ward. The inspectors so appointed shall each appoint one clerk,

Proviso.

the judges, inspectors and clerks, so appointed, shall possess the qualifications requisite for such officers, shall be residents of the divisions

Construction.

for which they shall be appointed, and shall possess the same powers, perform the same duties, and be subject to the same penalties as is now

Boxes, blanks,
&c.

prescribed by the laws of this commonwealth; and no inspector in said division shall receive any ticket from any person other than an elector

residing within the said divisions: *Provided*, That hereafter the judges and inspectors shall be elected in the several divisions by the qualified

voters thereof, in the manner and at such time as is now directed by

law: *And provided also*, That nothing in this act contained, shall be

construed to effect or interfere with the present division of the wards of the district of Spring Garden, or the officers thereof, as hereinbefore specified.

SECTION 6. The county commissioners shall furnish the judges and inspectors with the necessary boxes, blanks and paper, for holding the election; and shall also furnish a list of the taxable inhabitants of each of the divisions, as now required by law: *Provided*, That hereafter

the assessors shall assess the respective wards by divisions, and return Proviso. the same to the county commissioners.

SECTION 7. The judges, inspectors, and clerks of the several divi- Meeting of
sions, shall meet together at the commissioners' hall, in the said district, boards.
on the second day (Sunday excepted) after any election, and then and
there add together the number of votes given for each person voted for,
and make out the returns as the nature of the election, general and
special, may require, complying in all cases with the provisions of the
existing laws of this commonwealth.

SECTION 8. From and after the passage of this act, it shall not be Ineligibility of
lawful for any commissioner of any of the incorporated districts, in the commissioner.
county of Philadelphia, to be elected to any office by the board of com-
missioners.

SECTION 9. That all laws inconsistent with the provisions of this act, Repeal.
be and the same are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred
and forty-five.

FRS. R. SHUNK.

No. 257.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the Baptist church and congregation in
Lower Dublin township, in the county of Philadelphia, in the state of Pennsyl-
vania."

SECTION 1. *Be it enacted by the Senate and House of Representa-
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same,* That so much of the act passed the twenty-eighth day of March, Anno Dom- Repeal.
ini, one thousand seven hundred and eighty-seven, to which this is a
supplement, as requires the minister of the said church always to be
president of the board of trustees by virtue of his office, be and the
same is hereby repealed; and the board of trustees of said church, are
hereby authorized to elect their president from among the members of
the said church, and the person so elected, shall exercise all the powers,
and possess all the privileges that the president of said board of trust-
tees is now entitled to exercise, and possess, by virtue of the said act to
which this is a supplement.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred
and forty-five.

FRS. R. SHUNK.

No. 258.

A SUPPLEMENT

To an act passed the thirteenth day of June, Anno Domini, one thousand eight hundred and thirty-six, entitled "An Act relating to the commencement of actions."

Suits by feme sole.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That no suit or other legal proceeding in any court of this commonwealth, brought by a feme sole, now, or hereafter pending, shall abate by the marriage of the plaintiff or petitioner, contracted after the commencement of the same; but the husband of such plaintiff or petitioner, shall have the power to become a party thereto, and prosecute the same to final judgment or decree.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 259.

AN ACT

To incorporate the "Aid Society for the relief of superannuated and disabled ministers of the Pittsburg Annual Conference of the Methodist Protestant Church, their widows and orphans."

Incorporated.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Aid Society, associated for the relief of superannuated and disabled ministers of the Pittsburg annual conference of the Methodist Protestant church, their widows and orphans, is hereby erected into one body politic and corporate, in deed and in law, by the name, style and title of the "Aid Society of the Pittsburg annual conference;" and by the same name shall have perpetual succession, and be able to sue and be sued in all courts of law and equity; and shall be able and capable in law and equity, to take and hold, for the use of said society, any goods or chattels, or any sum or sums of money, by gift, grant, bargain, sale, will, devise or bequest, from any person or persons whomsoever capable of

making the same ; and the same to grant, bargain, and sell for the use of said society ; and generally, to do all and singular the matter and things which shall be lawful for them to do, for the well being and due management of the affairs thereof.

SECTION 2. That the Aid Society, aforesaid, shall consist of all such Membership. persons as are now members thereof, or shall hereafter be admitted as such, agreeably to the by-laws of said society.

SECTION 3. That the officers of said society shall consist of a presi- Officers. dent, recording and corresponding secretary, a treasurer and seven managers, one of whom shall be president of the conference, who shall be ex-officio president of the society.

SECTION 4. That the Pittsburg annual conference shall elect, at each Election of man- of its annual sessions, six managers, not less than three of whom shall agers. be laymen, whose duty it shall be to manage the affairs of the society, in accordance with the provisions of this act, and of the by-laws of the society : the managers thus elected shall hold their offices for one year, Term of office. or until a new election ; and all vacancies occurring in the board of managers, shall be filled by the remaining managers, or a majority of them.

SECTION 5. That annual meetings of the society shall be held at the Meetings. times and places of holding the respective annual conferences ; the society shall keep its office, for the ordinary transaction of its business, at Pittsburg, at which place special meetings of the society may be called by the managers, at such times as a majority of them may determine.

SECTION 6. That the board of managers shall, annually, at such time Election of offi- as shall be prescribed in the by-laws, assemble and elect by ballot, a cers. treasurer, a recording and corresponding secretary, and assign such duties to each, as may be deemed necessary ; they shall also have power to make such by-laws, as they shall deem necessary, for the better regu- By-laws. lation of the society and its officers : *Provided however*, That such by-laws shall not be repugnant to the constitution or laws of this state, or of the United States.

SECTION 7. That the managers, or a majority of them, shall have Investments. authority to invest all moneys raised by subscriptions, collections, donations, bequests, et cetera, in such manner as they shall deem most safe and productive : *Provided however*, That no investment shall be made in any stock or loan unless sanctioned by all the managers.

SECTION 8. That all moneys received by this society shall form a Funds. permanent fund, the interest of which only, after the payment of incidental expenses, shall annually be distributed as hereinafter directed, except those funds that may be specially donated to the annual fund.

SECTION 9. That the board of managers shall report to the Pittsburg Report. annual conference, at their respective sessions, the state of the fund, distinguishing the interest or profit, and for the current year, which annual fund shall be placed at the disposal of the conference, to be distributed to the respective claimants, in such manner as the conference may direct : *Provided*, That no person shall receive more, during any one Proviso. year, than the allowance of the discipline for the quarterage to an efficient itinerant minister, with the same family, and that no widow of any deceased minister shall receive more than one hundred dollars, and ten dollars for each of her children under fourteen years of age.

SECTION 10. That no money shall be drawn from this fund for any Restrictions on purpose whatever, except for the relief of the superannuated and dis- application of applied ministers of the Pittsburg annual conference of the Methodist fund. Protestant church, their widows and orphans, nor for any of them, unless the said minister shall have travelled at least three years within the bounds of said conference ; and no minister shall be considered a

Proviso.

superannuated or disabled minister, unless so returned by a vote of the conference; and no superannuated or disabled minister, nor widows, nor orphan of any minister, who is otherwise sufficiently provided for, in the judgment of the conference, shall have any claim on this fund: *Provided however*, If any minister, who shall have labored faithfully for three years, as an itinerant minister in the Methodist Protestant church, in any other conference, shall be transferred to or received into this conference as an itinerant minister or preacher, he may be placed by a vote of the conference on the same footing, in relation to this fund, as though he had travelled three years within the bounds of the Pittsburgh annual conference; *Provided also*, That in case any minister who shall have travelled three years within the bounds of the Pittsburgh district shall decease while occupying a circuit station or mission as an efficient itinerant minister, his widow and orphans shall have the same claim on this fund as those of a superannuated or disabled minister.

Proviso.

Surplus.

SECTION 11. That if at any annual conference the annual fund be not all distributed, the amount so remaining undisposed of shall be transferred to the principal stock, and be so applied by the managers.

Publications.

SECTION 12. That the Pittsburgh annual conference shall publish with the minutes of its annual sessions, the annual report of the board of managers, the amount of their annual fund distributed, and to whom paid.

Managers *pro tempore*.

SECTION 13. That the managers of said society, for the time being, shall consist of the following named persons, viz: George Brown, Charles Craig, Fielding A. Davis, John Cowl, William Rhinehart, Edward W. Stevens, and William Miller, who shall hold their offices until an election of managers be made under the provisions of this act.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 260.

A SUPPLEMENT

To an act incorporating the town of Lawrenceville into a borough, approved the eighteenth day of February, A. D. one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act to which this a supplement, as describes and fixes the boundaries of the borough of Lawrenceville, be amended, so that the boundaries shall be as follows :—Beginning at a large soft maple tree, in front of Samuel Ewalt's land, the former beginning place of said borough, and running thence up the Allegheny river, north twenty-six degrees, east one hundred and six perches and eighty-four hundredths of a perch, to the line of George A. Bayard's land; and running thence along the same, south forty-six and one-quarter degrees, east three hundred and sixty-four and three-quarter perches, to the south-east corner of the burial ground of the Fifth Presbyterian church; and thence along the southern boundary of the same, and other lands, south twenty-eight and three-quarter degrees, west one hundred and ninety-eight perches and sixty-eight hundredths of a perch, to the line of the Pittsburg city district; thence along the same, by the several courses thereof, two hundred and seventy-two perches and forty-six hundredths of a perch, to a large button wood tree (a well known land mark) on the former borough line, standing on the bank of the 'Two Mile run; thence along the several courses of the present borough line, one hundred and thirty-three and three quarter perches, to a post at the foot of Wainwright's island; thence up the Allegheny river, including said island, two hundred and four perches, to the place of beginning.

Boundaries.

SECTION 2. That so much of the act, and no more, as is hereby altered or supplied, be and the same is hereby repealed.

Repeal.

SECTION 3. That if the majority of the legal voters residing in sections numbered in the plan of the city districts, as numbers eight and seventeen, adjoining the city of Pittsburg, in the county of Allegheny, shall, upon an election held as prescribed by the act, entitled "An Act supplementary to 'An Act to incorporate the city of Pittsburg,'" approved the first day of March, A. D. eighteen hundred and forty-five," decide in favor of admission into said city, then, upon the same being duly certified to the select and common councils, shall forthwith admit sections eight and seventeen into said city as a separate ward; and shall have all powers and authority to regulate the streets, lanes and alleys within said ward, as fully as if the same had originally been part of the city of Pittsburg.

A ward to be erected in Pittsburg, by consent of voters.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 261.

AN ACT

To authorize Thomas W. Robinson to construct a dam in the Conemaugh river, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Thomas W. Robinson, of the borough of Saltsburg, county of Indiana, be and is hereby authorized to erect a dam, not exceeding five feet in height, over the Conemaugh river, at or near Saltsburg, in the county of Indiana, in such a manner as shall do no damage to either public or private property: *Provided however, That* a plan and location of said dam shall be first approved by the canal commissioners, and shall be erected within five years after the passage of this act.

Act relative to
an old pier in
Delaware river.

SECTION 2. That the provisions of the second section of an act, entitled "A supplement to an act relative to an old pier in the Delaware river," passed the twelfth day of April, Anno Domini, one thousand eight hundred and forty-four, be and the same are hereby extended to the first day of April, eighteen hundred and forty-six.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 262.

AN ACT

Relative to the Mercantile library company and Frankford lyceum of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the real estate of the Mercantile library company of Philadelphia, situate at the south corner of Delaware Fifth and Library streets, in the city of Philadelphia, and of the Frankford lyceum, in the borough of Frankford, in the county of Philadelphia, be and the same is hereby exempted from county, poor, and corporation taxes, so long as the said real estate shall be owned by the said company, and used for the purposes set forth in the act of incorporation of said companies. Real estate exempted from taxes.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 263.

AN ACT

To attach the farm of Joseph Porter, of Cherry township, Butler county, to Mercer township, in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all that certain parcel of land, situate in Cherry township, Butler county, known as the farm of Joseph Porter, be and the same is hereby attached to Mercer township, in said county, and shall hereafter be assessed as part and parcel of Mercer township, in said county of Butler.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

LAWS OF PENNSYLVANIA,

No. 264.

AN ACT

To authorize the township of Walker, in the county of Centre, to institute certain legal proceedings.

Preamble.

WHEREAS, The supreme court of Pennsylvania, in the case of West Buffalo township, or Walker township, decided that the same rules of evidence by which other causes are tried must be adhered to by the court in settlement causes :

And whereas, The court of quarter sessions, before whom the said cause had been tried, ruled the same as secondary evidence ; therefore,

Of paupers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the furtherance of justice the township of Walker, in the county of Centre, may and they are hereby authorized again to test the settlement of the pauper in the proper court of the proper county, as fully as if the cause had never been tried : *Provided,* That the rules of evidence, as established by the supreme court in the said cause, shall govern the court below, as fully and effectually as in other cases.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 265.

AN ACT

For the relief of William Burns, Elizabeth Noble and others, soldiers and widows of soldiers of the Revolutionary and Indian wars.

In counties of
Crawford, Wash-
ington, Beaver,
Greene and
Westmoreland.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be, and he is hereby authorized and directed to pay to William Burns of Crawford county, Elizabeth Noble of Washington county, William Hammon of Beaver county, William M'Vay of Greene county, Joseph Johnston, William Beaty, Francis Rimmel, Alexander Lyons, James Ferguson, senior, Samuel Marshall, senior, of West-

moreland county, William Scott and George Scott, of Butler county, Butler, Indiana, George Bolan of Indiana county, Rebecca Stewart of Union county, Union, Westmoreland, Armstrong, Berks, Northampton, Northampton, and William Patrick of Westmoreland county, James Guthrie of Armstrong county, Catharine Seitzinger, and Elizabeth Miller of Berks county, Abigail Cummings of Northampton county, and Hugh Conway of Butler county, soldiers, and widows of soldiers of the Revolutionary and Indians wars, or to their respective orders, an annuity of forty dollars each, during life, payable half yearly, to commence from the first day of January, one thousand eight hundred and forty-five; and to Margaret Adams of Berks county, Reynold Stevens of Westmoreland county, and Anna M. Leitner, of Baltimore, Maryland, or their respective orders, the sum of forty dollars each, as a gratuity, immediately, for their services in the Revolutionary and Indian wars.

Annuities.

Berks, Westmoreland.
Baltimore, Md.
Gratuities.

SECTION 2. That the state treasurer be, and he is hereby authorized and directed to pay to William Oliver of Indiana county, Henry Kaufman of York county, Benjamin Miller of Fayette county, Joseph Gehr of Crawford county, Peter Werner of Schuylkill county, John Tanner of Erie county, John M'Cormack, Thomas Whitehead, James M'Elroy, of Westmoreland county, soldiers of the Revolutionary and Indian wars, or to their respective orders, an annuity of forty dollars each, during life, payable half yearly, to commence from the first day of January, one thousand eight hundred and forty-five; and to George Kepple of Armstrong county, John M'Williams of Erie county, Richard Patton, and John Owens, of Greene county, or their respective orders, the sum of forty dollars each, as a gratuity, immediately, for their services in the Revolutionary and Indian wars.

Indiana, York, Fayette, Crawford, Schuylkill, Erie.

Westmoreland.

Annuities.

Armstrong, Erie, Greene.

SECTION 3. That the state treasurer be, and he is hereby authorized and directed to pay to John Good of Ohio, Allen Means of Allegheny county, Susannah Heitler, and Barbara Ream, of Lancaster county, or Allegheny, Lancaster, to their respective orders, forty dollars per annum each, during life, payable half yearly, to commence on the first of January, one thousand eight hundred and forty-five; and to Susannah Leader of York county, York, or to her order, forty dollars, immediately, for services in the Revolutionary army.

Annuities.

Gratuity.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 266.

AN ACT

To incorporate the Beaver county institute, at New Brighton, Pennsylvania.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the association of persons known as the Beaver county institute, at New Brighton, Pennsylvania, and those associating therewith hereafter, be and they are hereby made and constituted a corporation, by the name and description of the "Beaver county institute, at New Brighton, Pennsylvania," with all the powers, rights, duties, and liabilities usually incident to corporations for the cultivation of natural and experimental science, literature in general, and local historical research.
- SECTION 2.** That the said corporation may appoint such officers, and make such by-laws, rules and regulations, as its members see fit: *Provided,* The same be consistent with the constitution and laws of this commonwealth.
- SECTION 3.** That said corporation may hold real estate to the value of two thousand five hundred dollars, and personal estate to the value of five thousand dollars, in its corporate name; and use and improve the same for the benefit of the institution, and for all lawful purposes incident and pertaining to the powers hereby granted.
- SECTION 4.** That on the third Monday of July next, at a meeting to be called by public notice in a newspaper published at Beaver, signed by A. P. Dutcher, John C. Hunter, John Collins, John C. Rainbow, T. B. White, Benjamin Wilde, Edward Hoops, and B. B. Chamberlin, to be held at the hall of the institute in New Brighton, the members shall meet and organize their association under this act of incorporation, by adopting such rules, regulations and by-laws, as are deemed necessary; and to the officers of said institute, then appointed and elected, shall be assigned over all the property of the present association, for the purposes hereinbefore provided.
- SECTION 5.** That this act shall be subject to be altered, amended, or repealed, at any time, at the will of the general assembly.
- Incorporated.**
- Object.**
- Officers.**
- Real estate limited.**
- Notice.**
- Organization.**
- Property.**
- Revocation.**

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 267.

AN ACT

To authorize J. B. Stubbs, John Webster, and others, agents of the township of Fulton and Little Britain, in Lancaster county, to sell certain real estate.

WHEREAS, William Walker, of Little Britain township, and Isabella, his wife, did by their indenture, bearing date the third day of June, A. D., one thousand seven hundred and ninety, recorded in the recorder's office in the city of Lancaster, in book number eight, page five hundred and sixty-seven, sell and convey, in fee simple, a certain tract of land, containing fifty-eight acres, more or less, and their improvement right to a tract of adjoining vacant land, to John Neiper and Samuel Reynolds, then overseers of the poor of said township of Little Britain, and to their successors in office forever : Preamble.

And whereas, The said township of Little Britain has recently been divided into two separate townships, named Fulton and Little Britain ; which said townships have appointed J. B. Stubbs, John Wright, James Patterson, John Webster, Slater Brown and John Kirk, Jr., their agents, to sell and convey the aforesaid tract of land, and to distribute the proceeds equitably and justly between said townships ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That J. B. Stubbs, John Wright, James Patterson, John Webster, Slater Brown and John Kirk, Jr., are hereby authorized to sell and convey, in fee simple, all that tract of land conveyed by William Walker and Isabella, his wife, of Little Britain township, as above set forth, and to distribute the proceeds equitably and justly between the said townships of Fulton and Little Britain : *Provided,* That before such sale shall take place, the court of common pleas in Lancaster county shall approve of the same, and take bonds, with sufficient sureties, for the faithful application of the proceeds of such sale. Powers and duties.
 proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 268.

AN ACT

To authorize the governor to incorporate the Delaware county turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That

- Commissioners.** George Smith, Oborn Levis, James Ogden, William Hay, Charles Kelly, Nathan H. Baker, William W. Clement, Abraham Powell, Robert Plumstead, George Lewis, Isaac Newton, and Joseph Gibbons, of Delaware county, and David Snyder and Jacob Hoffman, of Philadelphia county, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say:
- Duties.** They shall, on or before the first day of August next, procure a book
- Form of subscription.** and enter therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Delaware county turnpike road company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to authorize the governor to incorporate the Delaware county turnpike road company.' Witness our hands this day of in the year of our Lord one thousand eight hundred and ;" and thereupon shall give notice in one or more public papers printed in the city and county of Philadelphia, and in all the papers printed in Delaware county, for twenty days at least, of the time and place when and where the said books shall be open to receive subscriptions for the stock of the said company; at which time and place one of the said commissioners shall attend, and permit and suffer all persons of lawful age who shall offer to subscribe in said books, in their own names, or in the name or names of any other persons who shall duly authorize the same, for any number of shares of said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of six days, or until the said books shall have four hundred shares therein subscribed; and if at the expiration of the said six days, the books aforesaid shall not have the said number of four hundred shares therein subscribed, the commissioners respectively may
- Subscriptions.** adjourn from time to time, and transfer the said books from place to place, until the whole number of shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give such public notice as the occasion may require; and when the whole number of shares subscribed shall amount to four hundred shares, the same shall be closed: *Provided, always,* That every person^o offering to subscribe in said books in his own or any other name, shall previously pay to the attending commissioner or commissioners, the sum of five dollars for every share to be subscribed, out of which shall be defrayed such incidental charges and expenses, as may be necessary for taking such subscription, and the remainder shall be paid over to the treasurer of the incorporation, as soon as the same shall be organized, and the officers chosen as hereinafter mentioned.
- When adjourned.**
- When closed.**
- Proviso.**

SECTION 2. That when fifteen persons or more shall have subscribed one hundred shares of the said stock, the said commissioners, or a majority of them may, or when the whole number of shares shall be subscribed, they shall certify, under their hands and seals the names of the subscribers, and the number of shares subscribed by each, to the governor of this commonwealth; whereupon, it shall and may be lawful for the governor, by letters patent, under his hand and seal of the state, to create and erect the subscribers, and if the subscription be not full at the time, then those who shall afterwards subscribe to the number aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of "The president and managers of the Delaware county turnpike road company;" and by the said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding the capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them, their successors and assigns, and of selling, transferring and conveying, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as shall be necessary to them in the prosecution of their works; and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

SECTION 3. That the commissioners aforesaid, as soon as conveniently may be, after the said letters patent shall be sealed and obtained, shall give public notice in one or more public papers printed in the city of Philadelphia, and all the papers printed in the county of Delaware, of a time and place by them to be appointed, not less than twenty days from the publication of the first notice, at which time and place the said subscribers shall proceed to organize the said corporation; and shall choose by a majority of votes of the subscribers, by ballot, to be delivered in person or by proxy, duly authorized, one president, six managers, one treasurer, and such other officers as may be necessary to conduct the business of the said company, until the first Monday in January next, and until such other officers be chosen; and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the United States and of this commonwealth, as shall be necessary for the well ordering the affairs of said company: *Provided always*, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share held by him under that number.

SECTION 4. That the said company shall meet on the first Monday in January, in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing such other officers as aforesaid for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by a majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations made as aforesaid, and to do and perform any other corporate act.

SECTION 5. That the president and managers first to be chosen as aforesaid shall procure certificates, to be written or printed, for all the shares of the said stock of the said company, and shall deliver one such

Letters patent.

Organization.

Officers.

Proviso.

Annual meetings.

Certificates.

Assignments of.

certificate, signed by the president and countersigned by the treasurer, and sealed with the common seal of the said corporation to each person, for every share by him subscribed and held, which certificate shall be transferable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject, however, to all payments due and to become due thereon; and the assignee holding any certificate having first caused the assignment to be entered in a book of the company, to be kept for that purpose, shall be a member of said corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meeting thereof.

Penalty for non-payment of dividends, &c.

SECTION 6. That if after thirty days notice in one of the public newspapers, printed in the city of Philadelphia, and one in the county of Delaware, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay any such proportion or dividend at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee shall, in addition to the dividends so called for, pay at the rate of five per cent per month, for delay of such payment; and if the same, and the said additional penalty shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid in part, and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold to any person or persons willing to purchase, for such price as can be obtained for the same: *Provided*, That the service of personal notice on the stockholders, shall always supersede the necessity of publishing the same in the papers.

Forfeitures.

Proviso.

Quorum.
Minutes.

Powers.

Orders.

SECTION 7. That the said president and managers shall meet at such times and place, as shall be ordained by their by-laws, and when met, four members shall form a quorum, who, in the absence of the president may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book; and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendents, and other artists and officers as they shall deem necessary to carry on their intended works, and fix their salaries and wages; to ascertain the times when, and manner and proportion in which the stockholders shall pay the moneys due on their respective shares, in order to carry on the work; to draw orders on the treasurer for all moneys necessary, to pay the salaries or wages of persons by them employed, and for labor done, and materials provided in the prosecution of the work, which orders shall be entered on their book of minutes, and shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their secretary, and generally to do all such other acts, matters and things as by this act, and the by-laws, rules, orders and regulations, of the company shall be committed to them.

Location.

Proviso.

SECTION 8. That the said road shall be made in, over and upon the bed of the present road, beginning at a point in the southern road, near the "Woodlands," and terminating at Thompson's bridge, in Delaware county, as the same was laid out by orders of the courts of Philadelphia and Delaware counties: *Provided always*, That no surveyor, superintendent, artist or other person or persons employed by said company, to construct the said road, shall enter upon, or go through any land or lands belonging to any person or persons, without first obtaining permission of the owner or owners thereof, excepting where it may be found necessary for the widening the said road, to the width of fifty feet.

SECTION 9. That the president, managers and company shall cause Construction.
at least twenty feet in width of said road to be made an artificial road,
bedded with wood, stone or gravel, or any other hard substance well
compacted together, and of sufficient depth to secure a solid foundation
to the same; and the said road shall be faced with gravel or stone,
pounded, or other small hard substance, in such manner, as to secure a
firm, and as near as the materials will admit of, an even surface, and so
nearly level in its progress as that it shall in no place rise or fall more
than will form an angle of four degrees, with a horizontal line, and shall
forever after maintain and keep the same in good and perfect order,
from the eastern termination thereof, westward, so far as the number of
shares subscribed will enable the company to finish the same; and the
said president, managers and company, shall have power to erect per- Bridges.
manent bridges over all the waters crossing the said road: *Provided*, Proviso.
That if the said road be faced with stone, the stones shall be none of
them larger in size than will pass through a circular ring of three inches
in diameter.

SECTION 10. That so soon as the said president, managers and com- Notice of com-
pany shall have perfected the said road from the eastern termination to pletion of whole
the distance of five miles, and also when they shall have completed the or part.
remainder of the distance to Thompson's hotel, or any part thereof,
they shall give notice thereof to the court of quarter sessions of Delaware
county, who shall thereupon forthwith nominate and appoint three dis- Viewers.
interested persons to view and examine the same, and report to the
president judge thereof in writing whether the said road is so far ex-
ecuted in a masterly and workmanlike manner, according to the true
intent and meaning of this act; and if their report shall in either case be
in the affirmative, then the said president judge shall, by license under License.
his hand, permit and suffer the said president, managers and company
to erect and fix so many gates and turnpikes upon and across the said
road, as will be necessary and sufficient to collect the toll and duties
hereinafter granted to the said company, from all persons travelling on
the same with horses, cattle, carts and carriages: *Provided*, That all Proviso.
persons attending funerals or places of worship, their horses and car-
riages shall be exempt from the payment of tolls in going to and return-
ing therefrom.

SECTION 11. That when the said company is licensed in manner Toll gatherers.
aforesaid, it shall and may be lawful for them to appoint such and so
many toll gatherers as they shall think proper to collect and receive of Powers of.
and from all and every person and persons using the said road, the
tolls and rates hereinafter mentioned, and to stop any person riding, lead-
ing, or driving any horses, cattle, hogs, sheep, coach, coachee, sulkey,
chair, chaise, phaeton, cart, wagon, train, sleigh, sled, or any other
carriage of burden or pleasure from passing through the said turnpikes,
until they shall respectively have paid the same, that is to say: For
every five miles in length of the said road completed and licensed as
aforesaid, the following sums of money, and so in proportion for any
lesser distance, or for any greater or lesser number of sheep, hogs, or
cattle, to wit: For every score of hogs, five cents; for every score of Tolls.
sheep, five cents; for every score of cattle, ten cents; for every horse
and his rider, or led horse, three cents; for every sulkey, chair or
chaise, with one horse and two wheels, six cents; and with two horses,
nine cents; for every chariot, coach, phaeton or chaise, with two
horses and four wheels, ten cents; for either of the carriages last men-
tioned, with four horses, twenty cents; for every other carriage of
pleasure, under whatever name it may go, the like sums, according to
the number of wheels and horses drawing the same; for every stage

wagon with two horses, twelve cents; and for every such wagon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or wagon, whose wheels shall not be four inches in width, four cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than four inches, and not more than seven inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, one cent; and if any person or persons shall represent to the said company, or any of their officers, that he, she, or they have travelled a less distance than he, she, or they have actually travelled along the said road, with intent to defraud said company of its toll, or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of the said company, the sum of five dollars; and if any toll gatherer shall knowingly demand and receive toll for a greater distance than the person of whom such toll is demanded shall have travelled along said turnpike road, or shall demand and receive greater toll from any person or persons than such toll gatherer is authorized to demand and receive by virtue of this act, such toll gatherers shall forfeit and pay the sum of ten dollars for every such offence, to the use of the poor of the county in which the forfeiture is incurred, and for the payment of which the said company shall be responsible.

Fines.

Tolls estimated
in certain cases.

SECTION 12. That all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

Repairs, how en-
forced.

SECTION 13. That if the said company shall neglect to keep the said road in good order, for the space of ten days, and information thereof shall be given to any justice of the peace of the neighborhood, within the county where the repair ought to be made, such justice shall issue a precept, to be directed to any constable, commanding him to summon three disinterested persons to meet at a certain time in said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, within the said county, and said justice shall, at such time and place, on the oaths or affirmations of the said persons, inquire whether the said road, or any part thereof, is in such good order and repair as aforesaid, and shall cause an inquisition to be made, under the hands of himself and a majority of the said persons; and if the said road shall be found by the said inquisition to be out of order and repair, contrary to the true intent and meaning of this act, the said justice shall certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put in good order and repair as aforesaid.

Of frauds on
company.

SECTION 14. That if any person or persons whosoever owning, riding in, or driving any sulkey, chair or chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, mule, mare or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gates or bars, or along or over any private gates or bars, or along or over any private passage way or other ground near to, or adjoining any turnpike or gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company, and avoid the payment of the toll or duty for

passing through any such gate or turnpike, or if any person or persons shall, with intent, take off or cause to be taken off, any horse, mule, mare or gelding, or other cattle, from any sulkey, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device, with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all or every, or any of the ways or manners aforesaid offending, shall, for every such offence, respectively, forfeit and pay to the president, managers and company of the Delaware county turnpike road, any sum not exceeding ten dollars, to be Penalty. sued for and recovered with costs of suit, before any justice of the peace, in like manner, and subject to the same rules and regulations as debts of a similar amount are by law sued for and recovered: *Provided always*, That if any person or persons shall be prosecuted under this Proviso. section of this act, and the said prosecution shall not be sustained on the part of the prosecutors, then in that case, the person or persons prosecuted as aforesaid, shall receive from the company the sum of ten dollars, in lieu of damages arising from delay and vexatious prosecution, recoverable as other fines under this act.

SECTION 15. That the president and managers of the said company shall keep fair and just accounts of all moneys received by them, from the said commissioners, and from the subscribers to the said undertaking, on account of the several subscriptions, and of all penalties for the delay of payment thereof, and of the amount of profits on the shares which may be forfeited as aforesaid; and also all moneys by them expended in the prosecution of their said work, and shall, once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges, and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or when the capital stock of the said company shall be nearly expended, it shall be found that the said capital stock will be insufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act, or their own by-laws, to increase the number of shares to such extent, as shall be deemed sufficient to accomplish the work; and to receive and demand the moneys subscribed for such shares, and like manner, and like penalties, as are hereinbefore provided for the original subscription, or as shall be provided for by their by-laws. Increase of stock.

SECTION 16. That the said president and managers and company shall also keep a just and true account of all and every, of the moneys received by their several and respective collectors of tolls, at the several and respective gates or turnpikes on the said road, from the beginning to the end thereof; and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the said company's stock, and shall, on the first Monday in November and May, in every year, publish the half yearly dividend, if any, made of the said clear profits among the stockholders, and of the time and place, and when and where the same shall be paid, and shall cause the same to be paid accordingly: *Provided*, That the said dividends, in no one year, shall exceed eight per cent. Account of tolls. Dividends. Proviso.

SECTION 17. That the said company shall cause mile stones to be placed on the side of the said road, beginning at the eastern termination thereof, and extending thence to the termination of the turnpike, as it Mile stones.

Penalties for injuries to, &c.

may be completed, as aforesaid, whereon shall be marked, in plain legible characters, the respective number of miles which each stone is distant from the Schuylkill permanent bridge: and if any person shall wilfully destroy the said mile stones, or deface the same, or deface any directions made on the gates or other conspicuous places, or shall, without permission of the acting superintendent of the said road, throw out upon the road, or within the limits of the same, and suffer to remain for the space of one day, any mould, dirt, shavings, weeds, or rubbish of any kind, such person being convicted thereof, by the evidence of one or more credible and disinterested witnesses, before any disinterested justice of the peace of the county, he or she shall be adjudged by the said justice, to pay a fine not exceeding three dollars, to be recovered with costs, as debts of like amount are by law now recoverable; which fine, when recovered, shall be paid by the said justice to the treasurer of the said company, for the use of said company.

Directions for passing and re-passing.

Penalty for neglect of.

SECTION 18. That all wagoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draught, keep their horses and carriages on the right hand side of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision, he shall forfeit and pay any sum not exceeding two dollars, to any person who shall be obstructed in his passage, as will sue for the same, to be recovered with costs, before any justice, in the same manner as debts of like amount are by law now recoverable: and no wagoner, or driver of carriages of any kind, whether of burden or of pleasure, using said road, shall pass any other vehicle going in the same direction, at a faster gait than a trot, at a rate not exceeding eight miles per hour, under a penalty of twenty dollars for each offence, recoverable before any justice of the peace, one-half to the use of the said company, and the other half to the use of the informant.

Limitation.

SECTION 19. That if the said company shall not proceed to carry on the said work, within two years after the passage of this act, or shall not within three years afterwards complete at least five miles of the said road, according to the true intent and meaning of this act, then, in either of those cases, all and singular, the rights, liberties, privileges and franchises hereby granted to the company, shall revert to this commonwealth.

When road vested in company.

Townships released.

SECTION 20. That so soon as the said company shall commence operations on the said road, the first five miles from the eastern termination thereof, shall vest in the said company, and the townships through which it passes shall be released from repairing the same, and the counties of Delaware and Philadelphia, from the repair of the bridges: and in like manner, the balance of the said road shall vest in the said company, from time to time, as they extend their operations westward.

Reservation.

SECTION 21. The legislature hereby reserves the right to alter, amend or annul the provisions of this act, whenever they may deem it expedient so to do.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 269.

AN ACT

To authorize the incorporation of a company to erect a bridge over the Juniata river, at or near Andrew Mays', Mifflin county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Brought, John Cumford, John M'Cord, Thomas M'Cord, William Colwell, Hugh M'Kee, Owen Ones, William Jennings, Elias Pennypacker, Mathew T. Mays, Andrew Mays, William P. Elliott, of Mifflin county, be and they are hereby appointed commissioners to perform the duties hereinafter mentioned, that is to say: They, or a majority of them, shall, on or before the first day of October next, provide one or more books for the entering of subscriptions, and shall write therein as follows: "We whose names are hereunto subscribed, do promise to pay to the president, managers, and company for erecting a bridge over the Juniata river, at or near Andrew Mays', Mifflin county, the sum of twenty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly, entitled 'An Act to incorporate a company for the purpose of erecting a bridge over the Juniata river, at or near Andrew Mays', Mifflin county.' Witness our hands this day of one thousand eight hundred and forty-five;" and the said commissioners, or a majority thereof, shall thereupon give notice in one of the newspapers printed in the county of Mifflin, during one calendar month at least, of the times and places when said books shall be opened to receive subscriptions; at which times and places some one or more of said commissioners shall attend for that purpose, and keep open the said books during six hours in each place, four successive juridical days, or until fifty shares shall be subscribed; and if said fifty shares shall not be subscribed within that period, then the said attending commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of which adjournment public notice shall be given by means of the newspapers aforesaid, or in others, as occasion may require; and when fifty shares shall have been subscribed the books shall be closed.

SECTION 2. That as soon as fifty shares shall be subscribed, and five dollars paid on each share so subscribed to the said commissioners, then said commissioners, or a majority of them, shall certify the same, together with a list of the subscribers and the shares by each subscribed, and that the sum of five dollars has been actually paid on each share, in writing to the governor, who thereupon shall constitute the said subscribers, and also all those who may in future subscribe under the provisions of this act, a body corporate, by the name of the "President, managers, and company for erecting a bridge over the Juniata river, at or near Andrew Mays', Mifflin county," with all the privileges incident to such a corporation who shall have perpetual succession, and shall be capable of taking and holding their said capital stock, and the increase

thereof, and of enlarging the same by new subscriptions, if such enlargement be necessary to fulfil the purposes of this act.

Organization.

SECTION 3. That the six persons first named in the letters patent of incorporation, shall, as soon as conveniently may be after sealing the same, give notice in the newspapers aforesaid, of a time and place by them to be appointed, not less than thirty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the corporation, and shall choose, by a majority of votes of the said subscribers, taken by ballot, to be delivered either in person or by proxy, duly authorized, one president, five managers and one treasurer, and such other officers as they may deem necessary to conduct the business of the company during one year, or until other officers be chosen; and the said company may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as may be necessary for the well ordering of the affairs of the said company; and as soon as the said corporation is so organized, the commissioners shall pay over to the treasurer the sums paid to them at the time of subscription, and the corporation shall pay to the said commissioners all reasonable expenses, which may have attended the taking such subscriptions: *Provided however*, No person shall have more than ten votes, whatever number of shares he may hold in said company, and each person shall have one vote for each share of stock he may hold less than ten shares.

Votes.

Annual meetings.

SECTION 4. That a public meeting of the said stockholders shall be held on the first Monday in October next, and on the first Monday of October in each year thereafter, at such place as the rules and by-laws of said company shall fix, for the purpose of choosing officers for the ensuing year, and the determination of any question affecting the interest of the company, public notice of the time and place of holding elections to be given in the newspapers aforesaid, at least one month before the time thereof.

Certificates.

SECTION 5. That the president and managers shall procure printed certificates of all the shares of stock in said company, which shall be signed by the president, countersigned by the treasurer, and sealed with the seal of the company; and each subscriber shall be entitled to one such certificate for each share by him subscribed for, on paying to the treasurer the full amount of twenty dollars, which certificate shall be transferable, either by the owner in person or by his attorney, duly authorized, in the presence of the president or treasurer, for the time being, and the person to whom said certificate shall be transferred shall stand in the place of the former holder of the certificate, and shall be entitled to the same privileges in the company.

Transferable.

Property vested.

SECTION 6. That when the said bridge is completed as aforesaid, the property of the said bridge shall be vested in the said company as aforesaid, their successors and assigns forever, and it shall and may be lawful for the said company, their successors and assigns, to erect a gate, and to demand and receive toll from travellers and others at said bridge, agreeably to the following rates, viz: For every carriage of whatever description, used for the purpose of trade or agriculture, having four wheels, for each horse drawing the same, six and a fourth cents; for every carriage having two wheels, for each horse drawing the same, five cents; for every carriage of whatever description, used for the purpose of personal accommodation or pleasure, having four wheels, for each horse drawing the same, twelve and a half cents; for every dearborne wagon drawn by one horse, twelve and a half cents; for every chair or other two wheeled carriage of pleasure, for each horse drawing the same, twelve and a half cents; for every sleigh or sled,

Tolls.

drawn by four horses, twenty-five cents; for every sleigh or sled, drawn by three horses, twenty cents; for every sleigh or sled, drawn by two horses, eighteen and three-fourth cents; for every sleigh or sled, drawn by one horse, twelve and a half cents; for every horse, mare or gelding, with a rider, six and a fourth cents; for every horse, mare or gelding, without a rider, four cents; for every carriage drawn by oxen, or partly by oxen and partly by horses, to be rated in the proportion of two oxen for one horse, and in all cases a mule shall be rated the same as a horse; for every score of sheep or swine, twelve and a half cents; for every head of horned cattle, two cents; and in no case shall it be lawful for the owner or driver of any horses or cattle, to lead or drive more than twelve head on said bridge at the same time: *Provided*, That any person or persons attending funerals, or any military company or detachment of this state or of the United States, persons attending divine worship on the Sabbath day, all persons going to or returning from any election or military training, and students or children attending schools or other seminary of learning, shall at all times be exempt from the payment of any toll. Free passage.

SECTION 7. That if any person or persons shall wilfully ride, drive, or lead any horse or creature faster than a walk, when crossing said bridge, he, she or they, so offending, shall for every such offence forfeit and pay the sum of five dollars, to be recovered for the use of said company, as fines of a similar amount are by law recoverable. Penalty for rapid driving, &c.

SECTION 8. That if any gate keeper for said company, their successors or assigns, shall demand and collect any greater rates or prices for passing over said bridge than what is hereinbefore authorized, he, she or they, so offending, shall for every such offence forfeit and pay the sum of ten dollars, to be recovered for the use of the person aggrieved, as fines of the same amount are by law recoverable: *Provided*, That such suit or action be brought within twenty days after the offence shall have been committed. Penalty for excessive tolls.

SECTION 9. That the county commissioners of the county of Venango, be and they are hereby authorized to build a free bridge over the Franklin, Venango creek, at the town of Franklin, at the foot of High street, in said town and said county. Free bridge at Venango.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 270.

AN ACT

To authorize the erection of public buildings in the county of Fayette, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Blakely, Thomas Duncan, P. F. Gibbons, John Fuller, Henry W. Beeson, John R. Lohr, and Thomas Morris, are hereby appointed commissioners to do and perform the several duties enjoined by this act; they shall, on or before the first day of September next, make a suitable selection and location for the erection of public buildings for the county of Fayette, which selection and location shall be amply sufficient for the erection of a court-house, county prison, and different offices for the county records; they shall also receive proposals for the erection of the buildings contemplated by this act, and in determining the location aforesaid, shall be governed by such terms and conditions as may be most conducive to the whole public interest.

Commissioners
appointed in
Fayette county.

To locate and
erect county
buildings.

Subscriptions.

How collected.

Application of.

Buildings at
Uniontown to be
sold.

Proceeds.

Surplus moneys.

Proviso.

Purchase of site.

Extent.

Pay of commis-
sioners.

SECTION 2. It shall be lawful for the commissioners aforesaid, to obtain or receive subscriptions from any person or persons, or bodies corporate, who may be willing to subscribe any money, or other property, for the erection of such buildings as are provided for in the first section of this act, and in default of the payment of such subscriptions, the commissioners are hereby empowered to cause suit to be brought in the name of the county of Fayette, to enforce the recovery of the same; and all such subscriptions in money, or otherwise, when received and collected, shall be applied towards defraying the expenses of such county buildings; and the said commissioners shall have full power and authority to sell at public auction, and convey to the best bidder or bidders, and upon such terms as they may deem most conducive to the public interest, all the public buildings yet remaining at Uniontown, together with the real estate belonging to said county of Fayette, the proceeds whereof shall also be applied towards the erection of the public buildings aforesaid: *Provided,* That all moneys raised and to be raised by virtue of this section, over and above what may be necessary to fix the location and complete the county buildings contemplated by this act, shall be paid into the county treasury for county purposes: *Provided, also,* That such sale of the public property mentioned in this section, shall not go into effect unless the same shall be deemed necessary by the said commissioners.

SECTION 3. That the said commissioners are hereby authorized and empowered to purchase and receive in conveyance for such lot or lots of ground, as may be required or necessary for the location and erection of the buildings aforesaid: *Provided,* The same shall not exceed two acres.

SECTION 4. That the said commissioners, in the performance of the services required by this act, shall severally receive one dollar for each day necessarily employed by them, payable out of the county treasury; and the commissioners of the county of Fayette shall cause this act to

be published in two newspapers of said county, for one month prior to Publication of the first day of September next. this act.

SECTION 5. So much of the existing laws of this commonwealth as *Repeal.* are altered or supplied by this act, be and the same are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 271.

AN ACT

Regulating the elections of the Bellefonte, Aaronsburg and Youngmanstown turnpike road company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the stockholders of the Bellefonte, Aaronsburg and Youngmanstown turnpike road shall, after the passage of this act, hold their annual election on the second Tuesday in March, of each year; and the stockholders shall, hereafter, at any election for officers of said company, be entitled to one vote for every share not exceeding ten; one vote for every two shares exceeding ten, and not exceeding thirty; one vote for every four shares above thirty, and not exceeding one hundred; and one vote for every five shares above that number: and so much of any law as is hereby altered and supplied by this act, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 272.

AN ACT

Authorizing the sale of certain real estate, and for other purposes.

Preamble.

WHEREAS, John Robinson, deceased, of Allegheny county, died possessed of a large real estate in said county, and leaving several children, among whom was Mary who intermarried with Michael O'Hern :

And whereas, The said Michael and Mary, his wife, after the decease of her father, conveyed all the interest in the estate of her said father to Peter Beard and his heirs by deed, dated the thirteenth day of January, in the year of our Lord one thousand eight hundred and thirty-seven, and recorded in said county, in record book page

upon trust, to pay the profits to said Mary for her separate use, free from the control of her said husband, so that she shall not sell, charge or dispose of the same ; and to convey the same to her in case she should survive her said husband, with a power to said Mary to dispose of said estate by way of appointment if she should die before the husband, and in case of her death without appointment to her heirs :

And whereas, The said Michael O'Hern and Mary, his wife, have many years ago removed to Brooklyn, in the state of New York, and the said estate owing to their absence is but little productive, and the management has become inconvenient :

And whereas, The said Mary has made application for a law authorizing the sale of said estate, and investing the proceeds thereof in real estate in Brooklyn, in the state of New York or its vicinity, in such manner as may be more advantageous to her on the same or similar trusts ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said Peter Beard, or trustees of said estate for the time being, shall have authority to sell and convey, under the direction of said Mary, the said real estate so conveyed to the said Peter Beard in trust as aforesaid, to such purchaser or purchasers, and on such terms and for such estate, and in such parcels as may be most advantageous to the estate of said Mary, and to invest by purchase or incumbrance the proceeds of such sales in real estate in the cities of New York or Brooklyn, or the vicinity thereof, upon the same trusts as those contained in the said deed : *Provided,* That the said trustee or some one for him before he shall make such sale, shall give security, to be approved of by the district court of said county, faithfully to sell said estate at fair and reasonable prices, and that he will faithfully invest the proceeds of the estate aforesaid in the purchase of other real estate or incumbrances on real estate, in or near said cities, upon said trusts.

SECTION 2. That Smith Hamill, executor of the last will and testament of Nathaniel Hamill, late of North Beaver township, Beaver county, deceased, is hereby directed and empowered to make and execute a deed of conveyance to the school directors of said township, for a certain moiety of ground, which said Nathaniel Hamill, deceased, in his lifetime, did give to said school directors for common school pur-

Trustees of Michael and Mary O'Hern, to sell real estate.

Smith Hamill to execute deed.

poses, he, the said Smith Hamill, being first well satisfied of such donation having been made by the said deceased, in his lifetime, for the purposes aforesaid: *Provided*, The same do not exceed one acre of land.

SECTION 3. That the court of common pleas of Lancaster county is hereby authorized and required, upon the petition of Daniel L. Hasbuck, and Fidelia R. his wife, late F. R. Vandyke, Dr. Samuel Humes and Henry V. D. Johns, being the several sureties to an agreement, under seal, dated the twenty-fourth of May, eighteen hundred and forty-two, and duly recorded in the recorder's office, at Lancaster, in record book W, volume six, page one hundred and ninety-three, et cetera, to appoint a trustee in place of Henry V. D. Johns, if the said Johns shall decline the duties of said trust; the said trustee shall be appointed by the said court, at the instance and suggestion of the said Fidelia R. Vandyke, provided the person thus suggested shall be a citizen of Pennsylvania, and competent to discharge the duties of said trust; and the said trustee is hereby authorized, upon the terms and restrictions hereinafter mentioned, to sell and convey, in fee simple, all the estate, right and interest of the said Daniel L. Hasbuck, and Fidelia R. his wife, in and to a certain tract of land called Rockford, in the township of West —, in the county of Lancaster, containing one hundred and thirty-eight acres and thirty-one perches; and also, their estate, right and interest in and to a tract of land of twenty acres, more or less, in the city of Lancaster, and also their estate, right and interest, in and to an undivided tract of land in or near Meadville, in the county of Crawford, and shall have power to make and execute to the purchaser or purchasers thereof, in fee simple, good and sufficient conveyances, in law and equity, conveying and, in fee, all the estates of the said Daniel L. Hasbuck and Fidelia R. his wife.

Court of Lancaster county to appoint trustee for Fidelia Hasbuck.

Trustee may sell real estate.

SECTION 4. The said trustee, before he proceeds to the performance of his duties herein imposed, shall present a petition to the said court, setting forth the advantages that may result to the interest of the said Fidelia, from the sale of the said real estate mentioned in the preceding section; and if the court shall be of opinion that the said sale would be advantageous to the interest of the said Fidelia, and of all others interested, under the terms and provisions of said agreement, the said court is authorized to grant an order of sale to the said trustee to sell the said real estate, as provided for in the preceding section.

Court to order sale.

SECTION 5. The proceeds of the sales of the said lands shall be securely invested under the direction of the said court, by the said trustee, so as to secure and carry fully into effect the covenants and objects of the said agreement; and the said trustee shall, before he proceeds to execute the order of sale, give bond to the commonwealth, with sufficient security, for the use of the said Fidelia, and all others interested, conditioned for the faithful performance of his duties, and the faithful application and appropriation of the proceeds of sales according to the intent and directions of this act.

Investment of proceeds.

Bond.

SECTION 6. Before the order shall be granted, as hereinbefore directed by the said court to the said trustee, to sell the said real estate, as herein provided for, the assent of the said Fidelia L. Hasbuck shall be given to the order aforesaid, the court shall be satisfied that such assent is given without any compulsion, or coercion of her said husband, and with full knowledge of her rights.

Assent of cestui que trust required.

WHEREAS, It is represented that Westley Lumeroux, of the county of Luzerne, bid off, at orphans' court sale, a tract of land unimproved, containing thirty-two acres, in said county, which land was ordered to be sold at public vendue, by the order and decree of the said court, as the property of Isaac Fuller, deceased, and that the said Westley Lu-

Preamble.

Westley Lumeroux, of Luzerne county.

meroux paid the amount of the bid to the administratrix of the said Isaac Fuller, Nancy B. Cook, to wit: one hundred and sixty-six dollars—and possession was duly given to the said Westley, a deed having been executed by the said Nancy B. Cook, to the said Westley Lumeroux, for the said land, bearing date the twentieth day of April, eighteen hundred and thirty-nine, but the said sale not having been confirmed by the said court, in due form, is therefore defective.

Orphans' court
to receive proof
and confirm deed
to W. Lumeroux

SECTION 7. That the orphans' court of the county of Luzerne, are hereby authorized and required to receive proof on a proper rule, to shew cause in the matter of confirmation of the sale of the said real estate; and if the facts set forth in the preamble to this section be clearly proved, and said court shall be satisfied that a confirmation of said sale would be consistent with the principles of equity arising in the case, then said court shall confirm the same nunc pro tunc; and such confirmation so made, shall have the same effect in law as if it had been duly made before the execution of said deed, and said deed shall be as valid as if the same had been executed in pursuance of a regular confirmation of the sale.

Wm. Ayres authorized to mortgage certain real estate.

SECTION 8. That William Ayres, trustee of Mary Elizabeth Ayres and her children, be and he is hereby authorized to borrow on loan for a term of years, a sum of money not exceeding six thousand dollars, for the benefit of the estate of the said Mary Elizabeth and her children; and for that purpose he is hereby authorized to mortgage for the security of the payment of the aforesaid sum, or such parts as may be borrowed, two certain properties situate in the borough of Harrisburg, on the east side of third street, between Market and Walnut, to wit: All that four-story brick house and lot, including the back building, situate on the corner of Third street and Strawberry alley, being forty-two feet on Third street and extending along said alley fifty-two and half feet deep: the other property being three vacant lots, adjoining the aforesaid four story brick building on the south-east, and other property belonging to said estate, each twenty-one feet fronting on Third street, and extending fifty-two and one-half feet back: *Provided*, The orphans' court of Dauphin county shall first approve of the terms of such loan, and the purpose for which it is to be made; and the said trustee shall execute a bond to the commonwealth for the use of the persons interested, with sufficient sureties, to be approved by said court, in the penalty double the amount of such loan, conditioned for the faithful application of the money borrowed under direction of said court, before the execution of any mortgage or other instrument for the security of said loan, otherwise such mortgage or other instrument shall not be a lien on said premises or building upon the estate of said Mary Elizabeth Ayres.

Proviso.

Bond.

Representatives of D. Thomas, trustee of George Bisling, directed to pay certain moneys to surviving trustee.

SECTION 9. The legal representatives of David Thomas, deceased, who was one of the trustees to sell the real estate of George Bisling, of Montgomery county, deceased, are hereby authorized and required to pay to the surviving trustee of said estate, the moneys belonging to the same which were in the hands of the said David Thomas at the time of his death, with the interest which was then due or has since accrued thereon; and thereafter the said surviving trustee and his sureties, and not the estate of said David Thomas or his sureties, shall be responsible for the faithful application of said moneys according to law.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.
FRS. R. SHUNK.

No. 273.

AN ACT

Supplementary to the act, entitled "An Act to reduce the capital of the Southern insurance company of Philadelphia, and for other purposes," approved twenty-sixth July, Anno Domini, one thousand eight hundred and forty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the provisions of the ninth section of the act to which this is a supplement, be and the same are hereby extended to the county of Jefferson; and the axeman shall also be paid by the respective counties through which the road passes.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 274.

A SUPPLEMENT

To the act, entitled "An Act for erecting part of Bedford county into a separate county," passed twentieth September, seventeen hundred and eighty-seven, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Joseph Crisman and Thomas Spear of Bedford county, and Jonathan Commissioners. Lias and James Entriken, jr. of Huntingdon county, be and are hereby appointed commissioners, whose duty it shall be, or any three of them, correctly to run and distinctly mark the hereinafter mentioned boundary or lines between the aforesaid counties, to wit: Beginning at Old Gap Boundary. in Sideling Hill, where Sideling Hill creek passes through said hill, thence agreeable to the act to which this is a supplement, to Elk Gap in Tussey's mountain; and the said commissioners shall make out two drafts of said line or boundaries, one of said drafts shall be filed in the Drafts. commissioners' offices of said counties.

Pay. SECTION 2. And the said commissioners shall each receive two dollars per day, for each and every day actually and necessarily employed in running and marking said boundaries or lines, the one-half to be paid out of the treasury of Bedford county, and the other half out of the treasury of Huntingdon county, upon the said commissioners presenting their accounts to the treasury of their respective counties under oath or affirmation, that the same is just and true according to the intent and meaning of this act.

Commissioners to mark boundary between Huntingdon and Centre. SECTION 3. That William Reed of Huntingdon county, William Burchfield and William Harris of Centre county, be and they are hereby appointed commissioners, whose duty it shall be, or a majority of them, correctly to run and mark distinctly the boundary line or lines between said counties, from the dividing waters of Bald Eagle creek, to the head waters of Moshannon creek, agreeably to the provisions of the first section of the act of the seventh January, A. D., eighteen hundred and one; and the said commissioners shall make out two drafts of said line or boundaries, one of which said drafts shall be filed in the commissioners' office of said counties; and the said commissioners shall each receive the sum of two dollars a day, for each and every day they may be necessarily employed in running and marking the said boundary line, which shall be paid in equal proportions from the treasury of said counties; and the said commissioners are hereby required to perform the duties enjoined by this act, on or before the first day of November next, and the report of the said commissioners shall be final and conclusive.

Pay.

Time.

Report.

Time. SECTION 4. It shall be the duty of the said commissioners to do and perform the aforesaid duties, before or upon the first day of September next, and if any of the said commissioners shall neglect or refuse to perform the duties aforesaid, then the commissioners in attendance shall appoint a suitable person or persons to perform the said duties, which substitution if necessary, shall be made by the appointment of a person or persons from the county in which any vacancy may occur.

Vacancies.

Bedford county treasurer's salary. SECTION 5. That from and after the passage of this act, the county treasurer of Bedford county shall be entitled to receive, out of the county treasury, in compensation for his services in behalf of the county, an annual salary of one hundred and eighty-five dollars: *Provided*, That this act shall not be construed to deprive him of any legal fees, by law, for selling unseated lands for taxes; and so much of any act or acts which authorizes the county commissioners, with the county auditors, to fix the compensation of county treasurers, be and the same is hereby repealed, so far as relates to the treasurer of Bedford county.

Repeal. SECTION 6. That so much of the third section of the act, approved the twenty-seventh of May, eighteen hundred and forty-one, as renders county treasurers ineligible to re-election, be and the same is hereby repealed, so far as regards the county of Philadelphia; and that from and after the passage of this act, it shall be lawful for the county treasurer of said county of Philadelphia to be elected for two terms in any term of six years, and no more.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twelfth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 275.

AN ACT

To incorporate the Farmers' Bank of Schuylkill county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Edward Huntzinger, A. W. Leyburn, George Kaufman, James B. Leevan, Robert Boss, Philip Boyer, John D. Deibert, John G. Koehler, Dennis Daugherty, William Kremer, Roland Kline, John W. Shoemaker, Henry G. Robinson, Mark Mellon, F. W. Hughes, Deatur E. Nice, William Mortimer, Jacob Huntzinger, jr., George D. Boyer, be and they are hereby appointed commissioners, who, or a majority of whom, are authorized and empowered to carry into effect, from and after the passage of this act, the establishment of a bank, to be called and known by the name, style and title of "The Farmers' Bank of Schuylkill County," to be located at Schuylkill Haven, in the county of Schuylkill, within the limits of the original town plot, with a capital of two hundred thousand dollars, which shall be divided into four thousand shares of fifty dollars each, to be managed by thirteen directors: *Provided however,* That this bank shall not go into effect, or commence banking privileges, until the whole of the stock aforesaid shall have been subscribed and paid in specie.

Commissioners.

Name and location.

Shares.

Proviso.

Form of subscription.

Directors.

General meeting.

SECTION 2. It shall be the duty of the said commissioners to procure books, in which they shall enter as follows, viz: "We, whose names are hereunto subscribed, do promise to pay to the Farmers' Bank of Schuylkill county, the sum of fifty dollars, for every share of stock set opposite to our respective names, in such manner, and in such proportion as shall be determined by the board of directors of said bank, in pursuance of an act of the general assembly, entitled 'An Act to incorporate the Farmers' Bank of Schuylkill county.' Witness our hands, this day of in the year of our Lord, one thousand eight hundred and forty- ."

SECTION 3. That it may be lawful for the stockholders to meet at any time previous to the third Monday of November, one thousand eight hundred and forty-five, and choose by ballot thirteen directors, to serve until that time, or until others are elected, notice of which election shall be given by the commissioners, at least ten days previous thereto, in at least two newspapers published in the county of Schuylkill, and one daily newspaper printed in the city of Philadelphia; and that not more than two-thirds of the directors shall be eligible for the succeeding year, except the president for the time being, who shall always be eligible for the succeeding year, and no person shall remain a director longer than three years out of four; and that this charter shall continue in force and effect until the second Tuesday of November, one thousand eight hundred and sixty-four.

SECTION 4. A general meeting of the stockholders, for purposes relating to the institution, may at any time be called, either by the board of directors, or by the stockholders owning one-tenth part of the capital stock, on giving at least ten days notice as aforesaid, and specifying in

such notice the object or objects of such meeting; and it shall be the duty of the directors, and other officers of the bank, upon demand being made by the stockholders so convened, to lay before them a general and particular statement of the affairs of the said bank.

Restrictions.

SECTION 5. That this bank shall be subject to all the general provisions relating to the banking institutions of this commonwealth, heretofore provided by law; and subject also to such further provisions and restrictions as the legislature may think proper to enact, for the further regulation of banking institutions of this commonwealth.

Revocation.

SECTION 6. That the legislature hereby reserves the power to alter, revoke, or annul the charter of the said bank whenever, in their opinion, it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

Liability of stockholders, and mode of enforcing

SECTION 7. The stockholders of the Farmers' Bank of Schuylkill county, shall be jointly liable to the creditors of the said bank, in their individual capacity, for the amount of notes issued, in an amount not exceeding the par value of the stock owned and possessed by them respectively in the said bank; and the manner of enforcing such liability shall be as follows: In case the said bank shall violate the provisions of any law applicable to it, or becomes insolvent, or in failing circumstances, by reason of the mismanagement of its affairs, and is compelled to make an assignment under the provisions of the second section of the act passed the twelfth day of March, A. D. eighteen hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks," the assignees so appointed shall proceed to make a fair and equitable appraisement of the assets of the said bank, of every description, at their cash value, and also to make a list of all the debts due by the said bank; and if it shall appear that the assets are insufficient to meet the liabilities, the stockholders of the said bank shall be liable to make up such deficiency, in proportion to the respective stock held by each at the time such assignment is made: *Provided*, That their joint liability shall in no case exceed the amount of the par value thereof.

Proviso.

Duty of assignees.

SECTION 8. It shall be the duty of the assignees aforesaid to cause a scire facias, in the name of the commonwealth of Pennsylvania, to be issued by the prothonotary of the court of common pleas of Schuylkill county, against all the stockholders of the said bank, reciting the amount of such deficiency, and requiring them to appear at the next court of common pleas in said county, to show cause why execution should not issue against them for such amount; and such scire facias shall also set forth the proportions due from each of the said stockholders, and it shall be the duty of the sheriff of said county, to serve the writ upon all stockholders named in this writ residing within his bailiwick; and it shall be lawful for the court of common pleas, or a judge in vacation, to make such order, in reference to giving notice to stockholders, non-residents in the county, and named in such writ, as the case may require: *Provided*, That the scire facias shall not abate by reason of the non-joinder of any stockholder; and in case it shall appear that one or more persons in said writ named, are not liable under the provisions of this act, it shall not vitiate the proceedings against the others.

Proviso.

Judgment.

SECTION 9. On the return day of said writ of scire facias it shall be the duty of said court to render judgment against the stockholders named in said process, for the amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases.

SECTION 10. Every individual who owned stock in his or her own name, or in the name of any other person or persons, at the time of such assignment, shall be deemed liable for his or her proportions, under the provisions of this act; but it shall be lawful for any stockholder of the said bank, either before or after process shall have been issued, to pay his or her proportional share of liability to the assignees, and receive a full discharge from the same, and the process shall be proceeded in only against the other stockholders that are liable.

SECTION 11. The several provisions of the act of the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," shall be held to apply to all assignments made by the said bank, whether under the provisions of the said second section of the act of twelfth March, one thousand eight hundred and forty-two, or otherwise, and the courts shall exercise all the powers therein given, in addition to the authority conferred by this act, to compel settlements of the accounts of the assignees, and to do every act necessary and proper to accomplish the purposes of the trust, and to compel distribution of the moneys and assets in the hands or power of the said assignees amongst the creditors entitled, according to the just proportion due to each.

SECTION 12. The said assignees shall pay, out of the assets and property of the said bank, in case of any assignment, the debts and liabilities of the same, in the following order: First, note holders; second, depositors; third, all other creditors, except stockholders, who shall be last paid.

SECTION 13. If any president, cashier, or any other officer or clerk of the said bank, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person or persons, any money or other property belonging to the said institution, or left with the same as a special deposit or otherwise, he or they upon conviction of such offence shall be fined in a sum not less than the amount so appropriated or embezzled, and sentenced to undergo imprisonment in one of the state penitentiaries, as the case may be, to be kept in separate or solitary confinement, at labor, for any term not exceeding two years, at the discretion of the court: *Provided*, That this shall not prevent any person or persons aggrieved from pursuing his, her, or their civil remedy against such person or persons.

SECTION 14. The insolvency of said bank, or monied corporation, shall be deemed fraudulent, unless its affairs shall appear, upon investigation, to have been fairly and legally administered, and generally with the same care and diligence that agents, receiving a compensation for their services, are bound by law to observe; and it shall be incumbent on the directors and stockholders of the said bank, in case of insolvency, to repel by proof the presumption of fraud.

SECTION 15. In case of a fraudulent insolvency the directors of said bank, by whose acts or omission the insolvency was in whole or in part occasioned, and whether then in office or not, shall each be liable to the stockholders and creditors of the said bank for his proportional share of the respective losses, the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its reimbursement.

SECTION 16. If the moneys remaining due to the creditors of the said bank, if its insolvency shall be adjudged fraudulent after the distribution of its effects, shall not be collected in whole or in part from the directors liable for their reimbursement, the deficiency so far as to redeem the

notes issued, shall be made good by the contribution of the stockholders of the said bank; the whole amount of the deficiency shall be assessed on the whole number of shares of the capital stock, and the sum necessary to be paid on each share shall then be ascertained, and each stockholder shall be liable to the sum assessed on the number of shares held by him, not exceeding the nominal amount assessed of such shares, in addition to the sum paid or which he may be liable to pay on account of their shares.

Liability of transferees.

SECTION 17. If the amount assessed on the shares of any stockholder under the provisions of the last section, shall not be collected from such stockholder by reason of his insolvency or his absence from this state, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder, at any time within six months previous to the insolvency of the said bank, shall have received a transfer of the shares or any portion of the shares then held by him; and any person having made such transfer shall be liable in the same manner, and for the same proportion, that he would have been liable had he continued to hold the shares so transferred.

Stockholder defined.

SECTION 18. The term stockholders, as used in the preceding sections of this act, shall extend to every equitable owner of stock appearing on the books of the said bank at the time of its insolvency, in the name of another person, and to every person who shall have advanced the instalments or purchase money of any shares of stock standing in the name of any of his children under the age of twenty-one years; but no person holding stock as an executor or administrator, or as guardian or trustee, appointed by a last will or testament, or by a court of competent authority, and no legal or equitable owner of stock under the age of twenty-one years, shall be individually responsible on account of the shares so held.

Insolvency defined.

SECTION 19. The term insolvency, used in the preceding section, shall be construed to apply to the said bank when it is compelled to make an assignment, according to the provisions of the seventh section of this act; and it shall be thereupon the duty of the directors of the said bank for the time being, within ten days after such assignment, to file in the office of the prothonotary of the court of common pleas of Schuylkill county, verified by oath or affirmation, a full statement of its affairs, containing—

Statement.

Capital.

I. An account of capital stock of the bank, the amount paid in, and the amount of stock held by such corporation.

Estate.

II. The quantity, description, and value of the real estate of the said bank.

Stock.

III. The shares of stock held by the bank, whether absolutely or as collateral security, with their number and value.

Debts to bank.

IV. The debts owing to said bank, and the amount of said debts that are then collectable.

Debts of bank.

V. The amount of debts owing by the said bank, with the amount of notes or bills in circulation, amount of deposits, and all other liabilities, together with the amount of its loans and discounts, and of specie on hand.

Losses.

VI. A particular account of the losses of the corporation, and the cause of its insolvency.

Stockholders' names.

VII. An accurate list of the names and residence, and the amount of stock held by each stockholder in said bank at the time of, and for six months prior to, the time of the said assignment.

SECTION 20. If the court shall be in session when the said statement filed, the same shall be immediately presented to the court by the directors for examination; and if the court should not be in session such time, then the said statement shall be presented upon the first day of the court thereafter; and it shall thereupon be the duty of the court to appoint three competent auditors, who shall be duly sworn and directed to make a strict investigation of the affairs of such bank, the accuracy and fairness of the statement thus presented to the court, and perform their duties with fidelity.

SECTION 21. The auditors thus appointed shall have power to compel the production of the books and papers, and to subpoena and examine the directors and officers of the said bank, and generally to have and exercise all the authority now conferred on auditors by the existing laws; and after having performed their duties, they shall report to the court the result of their investigation; and in case they report that the solvency was fraudulent, it shall be their duty also to ascertain and report the amount due from the several directors, according to the liabilities imposed by the provisions of this act.

SECTION 22. The said court shall thereupon proceed to the investigation of the matters contained in said report, and shall determine whether the insolvency of said bank was fraudulent or otherwise; or, if they deem it necessary for the purpose of justice, may direct an issue to the request of any person interested to try the fact of fraudulent insolvency, and if the judgment of the court, upon the report of the auditors upon the verdict rendered upon such issue, should be that the insolvency of such bank was fraudulent, then and in such case the said court shall proceed to decree against the directors the amount due from each, according to their several liabilities; and the said court of common pleas, for the purpose of carrying into effect the provisions of this act, shall have the same powers and authorities to obtain the appearance of persons thus made amenable to their jurisdiction, and to compel obedience to their orders and decrees, and enforce execution thereof, as are by law vested in the said courts in cases of trusts.

SECTION 23. The total liabilities of the said bank, exclusive of deposits, shall not at any time, exceed double the amount of its capital stock paid in, nor shall the debts of every kind due, and to become due to the said bank, except debts due from the state of Pennsylvania, ever amount to more than three times its capital stock paid in; and the said bank shall not loan or discount any, when its circulation shall be, for thirty consecutive days, equal to three times the amount of specie in its possession, belonging to said bank.

SECTION 24. In addition to the returns which the said bank is now required by law to make, when notified so to do by the auditor general, it shall also return on the oath or affirmation of the cashier, a statement in tabular form, showing 1st, the whole amount of its liabilities; 2d, the amount of debts due or to become due to said bank, except as before excepted; and if upon the return so made, it shall appear that its liabilities or available debts due or to become due to it, except as before excepted, shall have exceeded for thirty consecutive days, at any quarter of the last year, three times the amount of its capital stock paid in, or that its circulation was greater for thirty consecutive days, than three times the amount of specie in its possession, it shall be the duty of the auditor general forthwith to give notice thereof to the governor, who shall issue a proclamation, which shall be published in one newspaper in Harrisburg, and one paper in the vicinity of said bank, declaring its charter forfeited; and the said bank shall go into liquidation under the provisions of the

act of the twelfth of March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks of this commonwealth, and for other purposes."

Repeal.

SECTION 25. So much of any act or acts of assembly as are hereby altered or supplied, be and the same are hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 276.

A SUPPLEMENT

To "An Act incorporating the Bear Valley coal company," passed the twelfth day of June, one thousand eight hundred and thirty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the time for the completion of the railroad or other improvements authorized to be constructed by the Bear Valley coal company, be and the same is hereby extended for the further period of five years; and the said company are hereby authorized in lieu of completing their said road, to unite with any other railroad leading or which may lead into their lands, and to subscribe to the stock thereof, the amount which they are authorized to expend in constructing their road: And provided, That instead of the notices heretofore required to be given, notices to the stockholders of said company, shall hereafter be published for three successive weeks in one newspaper in the borough of Harrisburg.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 277.

AN ACT

For the relief of the Cumberland valley railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Cumberland Valley railroad company shall have power, and they are hereby authorized to borrow a sum of money not exceeding sixty thousand dollars, to be applied towards defraying the expense of re-building their bridge across the Susquehanna river at Harrisburg, and to pledge the incomes, profits, and property of the said company, or any part thereof, by mortgages or otherwise, to secure the re-payment of such sum or sums as shall be borrowed in pursuance of the provisions of this act. Loan.

SECTION 2. That any person or persons, his, her, or their heirs, executors, administrators, or assigns, who shall loan to the said company any sum or sums of money for the purpose of enabling them to rebuild the said bridge, shall be entitled to all the privileges of stockholders of the said company, to the whole amount of the debt of the said company of which they shall be holders, so far as to entitle him, her, or them to vote at all elections or meetings of stockholders of the said company; and the number of votes to which each of the said loanholders shall be entitled, shall be regulated as the same is now provided as to the original stockholders, estimating fifty dollars of the said loan as equivalent to one share: *Provided,* That no assignee of the said loan shall be entitled to vote, whose assignment has not been made and noted upon the books of the company at least three months previously to the election or meeting at which he proposes to vote. Privileges of lenders. Proviso.

SECTION 3. That the capital stock of the said company which is now owned by the commonwealth of Pennsylvania, and which has not already been disposed of, be and the same is hereby transferred to and vested in the said Cumberland Valley railroad, who are hereby authorized to sell and dispose of the same, and apply the proceeds thereof towards defraying the expense of re-building the said bridge; and the purchaser or purchasers of the said stock, their heirs, executors, administrators and assigns, shall be entitled to all the rights and privileges of stockholders under the charter of the said company, as if she, he, or they had been original subscribers therefor: *Provided,* That this said stock shall not be transferred to the said company until the said bridge shall have been constructed. Transfer of state stock. Proviso.

SECTION 4. That this act shall be submitted to a meeting of the stockholders of the said company, at such time and place as shall be designated by the managers, of which reasonable public notice shall be given, and upon the assent of the majority thereof being given and filed in the office of the secretary of the commonwealth, this law shall take effect. Acceptance of this act.

SECTION 5. That the members of the legislature shall have the right to pass free of toll on any bridge belonging to the Cumberland Valley toll. Exempts from toll.

railroad company, on the Susquehanna river, when attending the general assembly.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 278.

AN ACT

To incorporate the English Lutheran congregation of the Evangelical Lutheran church of Fountain Dale, in the county of Adams.

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* The English Lutheran congregation of the Evangelical Lutheran church of Fountain Dale, in the county of Adams, are hereby erected into a body politic and corporate, in deed and in law, by the name, style and title of "The Church Council of the Fountain Dale Evangelical Lutheran church, in Fountain Dale," and by the same name shall have perpetual succession, and be able to sue and to be sued, to plead and to be impleaded in all courts of law or elsewhere, and shall be able and capable in law and equity, to take and to hold to them and their successors, for the use of said church, lands, tenements, choses in action, goods and chattels of whatever kind, nature or quality, real, personal or mixed, which now are, or shall hereafter become the property of the said corporation, or be held for their use, by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person whosoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve or dispose of, for the use and benefit of the said congregation: *Provided,* That the yearly value or income of the said estate shall not at any time exceed one thousand dollars.

Annual income.

Seal.

By-laws.

Proviso.

SECTION 2. The said council shall have power to make and use one common seal, with such device and inscription as they shall think proper, and the same to alter at pleasure, and to make, enact, enjoin, and enforce by-laws and ordinances, for the regulation and transaction of the affairs of the said congregation, in conformity with the rules and regulations hereinafter provided: *Provided,* That the said by-laws and ordinances be framed, enacted and promulgated, in conformity with the rules and principles of the Evangelical Lutheran church in the United States, as contained in the formula of the government and discipline adopted and published by the general synod of said church: *And pro-*

vided also, That they be not inconsistent with the constitution and laws of the United States, and of the commonwealth of Pennsylvania.

SECTION 3. All bona fide engagements entered into, and liabilities contracted heretofore by individuals, for the proper debts of the said congregation, or for money borrowed for its use and benefit, and by its authority, shall, immediately after the enrolling hereof, be held and deemed the debts of the body politic and corporate hereby created, which shall be liable therefor in its corporate property and capacity; and the church council shall, at as early a period as possible, take measures to redeem and cancel the outstanding notes, bonds or other securities, so as aforesaid, given by individuals for the debt of said congregation and at its instance, and substitute instead thereof, (if necessary) the securities of the said corporation: *Provided*, That the same be done by and with the consent of the holders of such securities: *And provided*, That nothing herein contained shall be so construed as to take away, impair, or diminish any right, securities or claims now held, possessed, and enjoyed by any of the aforesaid creditors of the said congregation, against any person or persons for the same.

Indebtedness.

Securities.

Proviso.

SECTION 4. In the manner, and at the times hereinafter appointed, the qualified members of the congregation shall elect from their own body two elders and two deacons, who, with the pastor of the church, shall compose the church council.

Council.

SECTION 5. The whole number of elders and deacons shall be elected by the qualified members of the congregation, on the first day of April, one thousand eight hundred and forty-five; one of the elders, and one of the deacons then elected, being one-half of the whole, shall be elected to serve for one year, and the remaining two to serve for two years; and in like manner, on the first day of April, in each and every year thereafter, one elder and one deacon shall be elected to fill the places of those whose terms of office shall have expired, so that the term of office of each elder and deacon shall be two years and until the election of a successor, and so that one-half of the entire number may be elected annually; the qualified members of the congregation may at any time add to, or diminish the number of elders and deacons to be chosen.

Elections.

SECTION 6. The church council constituted as aforesaid, shall have the control over and management of the pecuniary affairs of the congregation, the care of the house and other property, and all other temporal concerns, and business of the congregation of every kind whatsoever; the church council may appoint a president, secretary, treasurer, and all other officers necessary to the proper and convenient discharge of their functions and duties.

Powers of council.

Officers.

SECTION 7. If any vacancy, by death or otherwise, shall happen in either of the aforesaid offices, the vacancy may be temporarily supplied by the body in which it shall occur, until the next general meeting of the members of the congregation, as the case may be, at which time an election shall be held to fill such vacancy, during the unexpired portion of the term of the member whose death or resignation has occasioned the same.

Vacancies.

SECTION 8. The congregation may, from time to time, change the days for holding the aforesaid elections, and if by neglect or otherwise, it shall so happen that no election takes place on the regular day appointed for the purpose, the existing council may appoint any subsequent day, not longer than six months distant, for holding such election, first giving the notice required in such cases by the rules of the Evangelical Lutheran church, referred to in the second section.

Special elections.

Votes. SECTION 9. No member shall be entitled to vote at any election, except such as shall have paid at least one dollar in each year, for the support of the pastor of the congregation.

Tenets. SECTION 10. All matters connected with the doctrine, government, and discipline of the church, shall be conducted according to the acknowledged standard of the Evangelical Lutheran church in the United States.

Construction. SECTION 11. No enumeration of powers, privileges and duties herein contained, shall be so construed as to exclude others not enumerated, which are necessary to the proper fulfilment of the design and purpose of this act, and not inconsistent with its express provision and limitations.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 279.

AN ACT

For the payment of the volunteer troops of this commonwealth, in service during the riots in the city and county of Philadelphia, in the year eighteen hundred and forty-four.

Returns.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be the duty of Major General Robert Patterson, of the first division, Pennsylvania militia, immediately after the passage of this act, to make out under oath or affirmation, and forward to the auditor general a detailed statement of the names, number and rank of commissioned officers, the names and number of non-commissioned officers, musicians and privates, and the names of the companies, battalions and regiments to which said officers, privates and musicians were attached, who were called into service by the proclamation and orders of the governor and commander-in-chief, and of those who were mustered on their way to "head quarters," to suppress the late riots in the city and county of Philadelphia; also the number of horses employed for the use of cavalry and artillery, and the number of days that said horses were in actual service; also a statement of the actual expenses of transporting said troops and their ordnance, and the expense for hospital stores.

SECTION 2. That it shall be the duty of the auditor general, immediately after receiving the statements provided for in the foregoing section of this act, with the other accounting officers as in other cases, to proceed to settle the claims of troops that were called out by the proclamation of the governor and orders of the commander-in-chief, for services performed during the late riots in the city and county of Philadelphia, and the claims of such troops as were mustered into the service and were on their way to "head quarters," as follows, that is to say: He shall allow to each major general, the sum of two hundred dollars, **Pay.** full for his services and expenses; to each division inspector, fifty dollars; to each brigadier general, eighty-eight dollars; to each aid-de-camp to major general, forty dollars; to each aid-de-camp to brigadier general, forty dollars; to each colonel, fifty dollars; to each lieutenant colonel, forty dollars; to division quarter master, forty dollars; to each brigade quarter master, forty dollars; to each brigade major, forty dollars; to each major, forty dollars; to adjutants to regiments and battalions, forty dollars; to each quarter master of regiments and battalions, forty dollars; to each surgeon, forty dollars; to each assistant surgeon, forty dollars; to each captain, forty dollars; to each first lieutenant, thirty dollars; to each second lieutenant, twenty-five dollars; to each non-commissioned officer, musician and private, thirteen dollars, except those who were ordered into service from Berks, Bucks, Dauphin and Montgomery counties, and those belonging to Captain Findlay's and Captain Hambright's companies from the county of Lancaster, who shall each be allowed nineteen dollars; and he shall further allow to the cavalry and artillery, a reasonable compensation for horse hire and forage, not exceeding one dollar and fifty cents per day, for each horse on actual service. He shall also allow the necessary expenses incurred in transporting said troops and their ordnance, and the expenses for hospital stores: **Transportation.** *Provided,* That the allowance for transportation of troops and ordnance, shall be subject to a proportional reduction for the remission of tolls, when the same was made by the officers of the commonwealth, or any railroad company; and the amount allowed upon the Philadelphia and Columbia railroad shall not exceed fifty cents upon each passenger passing from Lancaster to Philadelphia, and a proportional allowance for any greater or less distance: **Proviso.** *And provided, further,* That no person shall be entitled to receive compensation for services rendered in more than one capacity or rank: *Provided also,* That no troops shall be paid under this act, who have already been paid by the city or county of Philadelphia, nor for services rendered before the proclamation of the governor, whether the same has yet been paid by said city and county or remains unpaid; and the auditor general shall carefully investigate and ascertain the facts necessary to carry out the true intention of this proviso.

SECTION 3. The manner of making payment to said troops, shall be as follows: The auditor general shall furnish to the county treasurer of each county from which troops were ordered, a detailed statement, exhibiting the amount to which the troops ordered from said several counties are entitled to, under the provisions of this act, with a list of the names of the individuals entitled to the same and the amount due each; and it shall be the duty of the said county treasurers to pay the said troops in accordance with the list so furnished, and to take vouchers for such payments; and the said county treasurers, on presenting said vouchers to the auditor general, shall be entitled to a credit on account of state taxes for their respective counties, in an amount equal to the amount of vouchers presented as aforesaid. The amount necessary to

pay the actual expenses of transporting said troops and their ordnance, and the expenses for hospital stores, shall be paid on warrants, which the auditor general is hereby authorized to draw on the state treasurer, in favor of the persons or bodies corporate to whom the same be found due.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 280.

AN ACT

Concerning certain drafts and surveys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Woodcock, in the county of Crawford, is hereby authorized and required to cause proof to be made by one or more witnesses, before some judge or justice of the peace, of the original draft of said borough as made by Henry Minium, and on such proof being made, to cause the same to be recorded in the office for recording deeds in the said county of Crawford; and said draft being so recorded, or a duly certified copy thereof, shall in all future time be competent evidence in any controversy respecting property, streets, alleys, or boundaries in said borough.

Draft of Wood-
cock borough to
be proved and
filed.

Surveyor general
to make a draft
of Crawford co.

Compensation.

Deputy surveyor
to copy survey
book.

SECTION 2. That the surveyor general is hereby required to make out from the original surveys and the general drafts, on suitable material, a complete connected draft for the county of Crawford, of so much of the several districts of donation lands as lie within said county, and to certify the same under his hand and official seal; and the same shall be as competent evidence for all purposes, as are the original surveys and the general draft of said donation lands; and said county of Crawford shall pay to said surveyor general for said certified draft, before the delivery thereof, a reasonable compensation, to be fixed by the said surveyor general, not exceeding fifty dollars.

SECTION 3. That the deputy surveyor of said county of Crawford, is hereby required to copy in a suitable book, the original survey book of warranted lands in said county, and shall certify the same to be a true copy; and the same being so certified, shall hereafter be as competent evidence in all cases as the entries in said original book; and a reason-

able compensation, to be fixed by the commissoiners of said county, Compensation.
shall be paid by said county to said surveyor on their warrants drawn in
the usual way.

FINDLEY PATTERSON;
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred
and forty-five.

FRS. R. SHUNK.

No. 281.

A N A C T

To facilitate the adaptation of the boundaries of certain trust property to the course
of certain public streets.

SECTION 1. *Be it enacted by the Senate and House of Representa-*
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, That
the respective trustees, to whom, under a breve de partitione facienda, Powers of trus-
issued out of the district court for the city and county of Philadelphia, tees.
of December term, one thousand eight hundred and forty-three, number
three hundred and ninety-one, certain lots of ground in the township of
Moyamensing, in the said county, were allotted in severalty, shall have
authority to exchange the said respective lots, or any or either of them,
or any part or parts of them, or any or either of them, for any conterminous or adjacent lots or lands, or portion or portions thereof, to such
extent, and in such manner as they respectively may deem necessary
or convenient, for the purpose of rendering any boundary line or lines
of their respective allotments, or any or either of them, parallel or perpendicular to any public street or streets in the said township; and shall
also have authority to purchase any conterminous or adjacent lots or
lands, or portion or portions thereof, to such extent as may be necessary
or convenient for the purpose aforesaid, and to pay for the same with
moneys of the respective trusts, or with moneys raised therefor, by
mortgaging the real estate of their respective trusts, or any part or parts
thereof; and in any and every such case of exchange, purchase or
mortgage, to make and to receive all suitable and proper conveyances
and assurances in the premises: *Provided,* That all real estate acquired
under this act for their respective trusts, shall be held by the trustees,
respectively, in trust for the same uses, intents and purposes, Uses.
as the real estate originally held under the said trusts respectively:
And provided further, That no purchase for a pecuniary consideration,
nor any mortgage, shall be made by virtue of this act, without the previous approval and order of the court of common pleas of the said
county, made upon petition setting forth the facts and reasons therefor, Approval of court
of common pleas.

Security.

and praying the direction of the court therein ; and the said court is also fully authorized to require such security of the trustees, for the faithful performance of their duties, as may be deemed necessary for the protection of the parties interested.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 282.

AN ACT

To authorize a state road to be laid out from a point in the borough of Mercer, to the big bend of the Shenango, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Findley, Hugh Bingham, and Robert M'Cormick, be and they are hereby appointed commissioners to view and lay out a state road from the borough of Mercer, in Mercer county, to a point on the Erie extension of the Pennsylvania canal, to commence at the northerly limit of Shenango street, in said borough, and terminate at or near the end of the bridge over the Shenango creek, at the big bend of said creek.

Commissioners.

Location.

Oath.

Duties.

SECTION 2. That it shall be the duty of said commissioners, respectively, after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined on them by this act with impartiality and fidelity, to carefully view the ground over which said road may pass, and lay out the same of the width of thirty-three feet, as near to a straight line between the aforesaid points as the nature of the ground and other important circumstances will permit, so that the vertical departure from a horizontal line shall at no point exceed three degrees, except only at crossing ravines and streams, when, by a moderate excavation, filling or bridging, the declination of said road may be preserved within that limit.

Mark route.

SECTION 3. That it shall be the duty of said commissioners, respectively, plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties in this act enjoined, the commissioners, respectively, are hereby authorized to employ two chain carriers and one axeman, at a per diem allowance not exceeding one dollar each; and the said commissioners,

respectively, shall receive a per diem allowance of one dollar and fifty cents for each and every day necessarily spent in discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed; and if any of said commissioners, several of whom are surveyors, shall discharge the duty of surveyor, such commissioner shall receive, in addition to his per diem allowance as commissioner, one dollar per day for each day necessarily spent in the discharge of his duty under this act, or employ one surveyor at one dollar per day.

SECTION 4. That it shall be the duty of said commissioners to make out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and streams, and such other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the twentieth day of January next, and one copy in the office of the clerk of the court of quarter sessions in said county, on or before the said twentieth day of January next, which shall be a record thereof; and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened to the breadth and repaired in all respects, as roads are opened and repaired which are laid out by order of the court of quarter sessions aforesaid. Drafts.

SECTION 5. That the expense for the view and location of said road, shall be paid by said county of Mercer, on warrants of the commissioners thereof, in the usual manner; and all damages arising from the opening of said road, through improved lands, shall be assessed and paid in the manner directed by law, in cases of public county roads. Expenses.
Damages.

SECTION 6. That the time limiting the Harrisburg and Pinegrove railroad company to commence their operations, as fixed by the twenty-third section of the act, passed the twenty-fourth day of March, one thousand eight hundred and forty-two, incorporating said company, be extended until the twenty-fourth day of March, one thousand eight hundred and fifty. Harrisburg and
Pine Grove rail-
road company.

SECTION 7. That William Patton of Huntingdon county, John Campbell and William Bailey, of Centre county, be and they are hereby appointed commissioners, to view and lay out a state road from Baileysville, in Centre county, to Petersburg, in Huntingdon county, who shall meet at Baileysville, on or before the first day of November next, and after being duly qualified according to law, shall proceed to lay out the said road on the best ground possible, and at a grade not exceeding four and a-half degrees per mile; and the said commissioners are hereby authorized to employ one surveyor, at a per diem allowance not exceeding two dollars, two chain bearers and one axeman, at a per diem allowance not exceeding one dollar, and the said commissioners shall receive a per diem allowance of two dollars, which expenses shall be paid in equal proportions from the treasury of the counties of Centre and Huntingdon. State road from
Baileysville to
Petersburg.

Pay of commis-
sioners, &c.

SECTION 8. It shall be the duty of the said commissioners to make out fair drafts of the location of said road, noting therein the courses and distances, and also the crossing of township lines and roads, one copy to be deposited in the office of the secretary of the commonwealth, on or before the first day of January next, and one copy in the office of the clerk of the courts of the counties of Centre and Huntingdon, on or before the said first day of January, which shall be a record thereof, and from thenceforth the said road shall be, to all intents and Drafts.

purposes, a public highway, and shall be opened to the breadth, and repaired in all respects as roads are opened and repaired, which are laid out by order of the courts aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 283.

AN ACT

Relative to the claim of Gilbert S. Parker.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized to examine into the claim of Gilbert S. Parker, a common carrier on the state improvement, for alleged damages sustained in the breaking of two cars on the Philadelphia inclined plane, on the twenty-eighth of December last; and if there should be found any thing due him, to settle and pay the same out of the damage fund: *Provided,* That the damages, if any, shall have been found to have occurred in consequence of the carelessness or negligence of the state agents and not otherwise: *And provided also,* That the damages, if any, shall be confined to the actual expenses incurred for repairs at the time.

Damages.

Proviso.

Canal commissioners to publish act.

SECTION 2. That the canal commissioners be and they are hereby required to cause to be prepared, engrossed or printed, copies of the second section of "An Act relative to the claim of Hathorn Freeland, and for other purposes," approved April the eleventh, one thousand eight hundred and forty-four; and cause one copy to be placed in a conspicuous position at the head of each of the inclined planes of the commonwealth; and if upon examination they shall find that the damages referred to in the first section of this act, were caused by the neglect or misconduct of any state agent or agents, they shall strictly enforce the provisions of said second section in said case.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 284.

AN ACT

Authorizing the laying out a state road from the Greensburg turnpike, at or near Stewartville, in the county of Westmoreland, by the way of M'Keesport to the Washington turnpike, at or near Canonsburg, in Washington county, to regulate tolls on the Cumberland road, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Klingensmith, jr. of Westmoreland county, John J. Muse of Allegheny county, and John Parke of Washington county, be and they are hereby appointed commissioners to view and lay out a state road from the Greensburg turnpike, at or near Stewartville, in Westmoreland county, by the way of M'Keesport to the Washington turnpike, at or near Canonsburg, in the county of Washington, by the nearest and best route. Commissioners.
Route.

SECTION 2. It shall be the duty of the said board of commissioners or a majority of them, after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined on them by this act with fidelity and impartiality, to carefully view the ground over which said road may pass, and to lay out the same of the width of thirty-three feet, and as near to a straight line between the aforesaid points, as the nature of the ground will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except at crossing ravines and streams, when by a moderate excavation, filling or bridging, the declination of said road may be preserved within that limit. Oath.
Locate.

SECTION 3. That it shall be the duty of said commissioners plainly and distinctly to mark the ground on the route agreed upon for said road, in such manner as to enable the supervisors readily to find the same; and for the purpose of fulfilling the duties of this act, the said commissioners are hereby authorized to employ one surveyor, at a per diem not exceeding two dollars; two chain bearers and one axeman, at a per diem of one dollar each; and the said commissioners shall each receive a per diem not exceeding one dollar and fifty cents, for each and every day necessarily spent in the discharge of the duties enjoined by this act, in manner and form as hereinafter directed. Mark.
Pay.

SECTION 4. It shall be the duty of the said board of commissioners, to make out a fair and accurate draft of the location of said road, noticing therein the courses and distances as they occur, the improvements passed through, and also the crossing of township lines, roads and waters, with such other matters as may serve for explanation; one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first Tuesday of January, A. D., eighteen hundred and forty-six, and one copy in the office of the clerk of the court of the respective county in which said road may be laid out, on the day aforesaid, or as much sooner as may be practicable, which shall be record thereof, and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and Draft.

repaired, in all respects as roads are opened and repaired which are laid out by order of the courts aforesaid.

Vacate. SECTION 5. Said commissioners shall have authority to vacate so much of any road as may be supplied by the new one, if it should appear expedient so to do; and in case access to any branch or lateral road may be obstructed by vacating any part of roads so supplied, it shall be the duty of said commissioners to connect all such lateral or cross roads with the main line of road laid out by them.

Pay. SECTION 6. That the accounts of the said commissioners, for their own and the pay of a surveyor, chain bearers, axemen, &c., shall be made out and returned to the commissioners of such counties in which said road may be located, in proportion to the time spent in the respective counties in locating said road; and that they be paid out of the treasury of the respective counties, on warrants drawn in the usual way.

Meeting. SECTION 7. That the said commissioners shall meet on or before the first day of September next, and complete the view of said road; and if any vacancy shall occur by resignation or otherwise, the court of quarter sessions of the county where such vacancy shall exist, shall appoint a suitable person, who shall perform said duty.

Release. SECTION 8. That it shall be the duty of the said commissioners to endeavor to procure from the persons through whose land such location may be made, releases for all claims of damages that might arise from opening the same; and in every case where said commissioners shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof, signed by a majority of them, and return the same, together with all releases obtained, to the court of quarter sessions of the respective county in which such damages may accrue.

Juniata bridge company at Lewistown. SECTION 9. That the provisions of the act incorporating a company to build a bridge across the Juniata river, at Lewistown, Mifflin county, approved the fourth day of April, eighteen hundred and thirty-eight, be and the same is hereby extended for and during the term of ten years, from and after the passage of this act.

State road in Columbia and Lycoming counties. SECTION 10. That the nineteenth, twentieth, twenty-first, and twenty-second sections of "An Act authorizing the laying out of certain state roads, and for other purposes," approved the twenty-second day of April, one thousand eight hundred and forty-four, be and the same is hereby extended to the first day of December, eighteen hundred and forty-five.

Preamble. SECTION 11. That whereas it has lately been decided by the supreme court of the United States, that the acts of assembly of this commonwealth, relating to the collection of tolls on that part of the Cumberland road which is within this state, passed June the thirteenth, eighteen hundred and thirty-six, and April fifth, eighteen hundred and forty-three, do not authorize the collection of any amount of tolls whatever for the passage upon said road of any stage, coach, and other vehicle carrying passengers with their baggage and goods, if such stage, coach, or other vehicle is at the same time carrying any of the mails or property of the United States: *And whereas*, The said court sanctions the power of Pennsylvania to provide for the repairs of said road by a general assessment of tolls upon persons travelling thereon, which it is deemed just and right should be paid: *And whereas, also*, It is found to be impracticable to keep said road in good repair and out

of debt by the tolls collectable under the existing laws of this commonwealth, as interpreted by said court ; therefore,

SECTION 12. In addition to the tolls, which, by the operative laws heretofore enacted, are authorized to be demanded and received at the gates erected upon the Cumberland road, within Pennsylvania, there shall be paid, on and after the first day of May next, at each of said toll gates, by each and every person riding or travelling in or upon any dearborne, sulkey, chair, chariot, coach, coachee, stage, wagon, phaeton, chaise or other carriage of pleasure or travel, including stages, coaches, or other vehicles carrying United States' mails, which shall pass or run upon said road, and through or to any toll gate thereon lawfully erected, a tax or toll of not less than two nor more than fifteen cents, as shall be fixed and determined from time to time, by the commissioner of said road, for every fourteen miles upon said road in which such person shall have been a passenger or traveller belonging to any such carriage, and in proportion for shorter distances : *Provided*, That no toll under this act shall be demanded for any driver of any coach, stage or other public vehicle, nor from any person bona fide employed as a guard to the mails or other public property in any such carriage, nor from any duly employed agent of the general post office department, nor from any bearer of despatches to or from the government of the United States or this state, nor from any naval or military officer of the United States or of this state, who shall be at the time travelling in discharge of the duties of his office ; but all such persons, upon exhibiting satisfactory evidence of the character in which they are travelling, shall pass free from the toll imposed by this act : *Provided also*, That no toll under this act, shall be demanded and received from any of the persons exempt from toll by the laws of this commonwealth, relating to said road, heretofore enacted : *And provided further*, That nothing herein shall be construed, so as to prevent changes of the present rates of tolls upon the vehicles, as authorized by the law heretofore enacted relating to said road ; such changes, as well as those which may be made under this act, to be uniform on each particular species or mode of travel or riding, and to be regulated according to the wants of the road.

Tolls on Cumberland road within Pennsylvania.

Tolls.

Exemptions from tolls.

Reservation.

Tolls uniform.

SECTION 13. That should any passenger or traveller, liable to the payment of toll by this act, neglect or refuse to pay the same at any gate, then it shall and may be lawful to collect the same, with costs, as debts of like amounts are collectable by suit, in the name of the commissioner of said road, against such person, or his or her parent, husband, master or guardian, or against the owner or owners, or bailee or bailees of the carriage in which such person shall be, or shall have been a passenger or traveller ; and in no suit for tolls under this act, or under former acts relating to the same road, shall any plea in abatement for non-joinder of any person or persons, jointly liable with the person or persons sued, be allowed or sustained : *Provided*, That nothing herein contained, shall be construed to prohibit any receiver or collector of tolls on said road, or other agent of the commissioner, from stopping and detaining any carriage for the non-payment of toll, by any person or persons riding or travelling therein, and liable therefor ; but the right of any such agent so to do is hereby given, in addition to the other remedies by this act provided.

Collection of tolls.

Detention for non-payment, authorized.

SECTION 14. That it shall be the duty of every driver, or person in charge of any carriage of pleasure or travel upon said road, under penalty of fifty dollars for every wilful neglect or refusal, to be collected by suit as hereinbefore directed, for the use of the road, faithfully to

Duty of drivers, et al. Penalty.

report at every gate through which such carriage may pass, the number of persons or passengers properly belonging to such carriage, who are liable to the payment of the tolls imposed by this act, in such way as to inform the collector of tolls how much toll should be paid by all of the persons or passengers.

Unpaid tolls.

SECTION 15. That if by reason of the neglect or refusal of passengers or travellers to pay, of drivers or conductors faithfully to report as hereinbefore directed, or from any other cause, any tolls by this act authorized, be not paid as hereinbefore required, it shall and may be lawful for the collectors of tolls at the gates on said road, to charge in a book the unpaid tolls to either the passenger or passengers, or any of the other persons specified in the foregoing section of this act, which account, when duly proved as other book accounts are allowed to be by law, shall be competent evidence in any suit for such unpaid tolls; and the amount thereof liable to be paid by any one person, or by any two or more persons jointly, may be sued for at the expiration of any period of time, not longer than one year, during which such tolls shall have been charged, and such suit or suits shall be in the name of the commissioners of the road, for the use thereof, and be exempt from abatement for non-joinder, as hereinbefore directed.

Evidence of.

Suits.

**Estimate of tolls,
not reported.**

Commutation.

**Evidence of non-
payment.**

SECTION 16. That if from any omission or neglect of drivers, or travellers or passengers, collectors, or any collector of tolls on said road, shall not be enabled to ascertain the number of passengers or persons properly belonging to any carriage, who are liable to toll under this act, he or they shall charge therefor, according to the number of passengers which such carriage shall be capable of carrying, and the tolls therefor shall be collected and recovered as hereinbefore directed; *Provided*, That nothing in this act shall prevent the commissioner of said road from accepting from the owner or owners, bailee or bailees of any carriage or line, or number of carriages of pleasure or travel, a gross sum per month, per quarter, or per year, so as thereby to exempt from tolls all persons riding or travelling in the carriages of such owner or owners, bailee or bailees, during the time for which such gross sum shall be paid, or agreed to be paid, but the right of the commissioner so to do is hereby given, and all contracts made in pursuance of this proviso shall be valid: *And provided also*, That the right of the commissioner of said road to sue for and recover unpaid tolls, under any of the provisions of this act, shall not be impaired or defeated by any omission or defect in the book charges hereinbefore authorized, but the same may be recovered upon other adequate evidence in lieu of, or in addition to, such book charges.

Frauds.

Penalty.

SECTION 17. That every person who shall fraudulently evade or attempt to evade the payment of the toll imposed by this act, shall for every offence forfeit and pay to the commissioner, for the use of said road, a penalty of not more than twenty dollars, to be recovered by action as hereinbefore directed; and should the name or names of any person or persons liable for the toll or any penalty imposed by this act, be unknown to the proper collector of tolls or other agent of the commissioner, then a suit or suits therefor may be instituted in the manner directed by the seventh and eighth sections of the act, entitled "An Act relating to the commencement of actions," approved the thirteenth June, eighteen hundred and thirty-six.

**Road viewers,
&c., in Lycom-
ing county.**

SECTION 18. That from and after the passage of this act, the number of viewers and reviewers of roads and bridges within the county of Lycoming, shall be three; and the act of assembly passed the twenty-

fourth day of February, eighteen hundred and forty-five, entitled "An Act relative to public roads in certain counties therein named," shall have full force and effect in the said county of Lycoming, and any law to the contrary is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 285.

AN ACT

To extend the charter of the Carlisle Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Carlisle Bank shall be, and the same is hereby continued and extended for the term of five years from the expiration of the present charter, subject to the provisions imposed by this act, and to all the provisions now imposed upon the said bank by existing laws of this commonwealth; and also subject to such further provisions as the legislature may hereafter think proper to enact for the regulation of banking institutions. Charter continued.

SECTION 2. The total liabilities of the said bank, exclusive of deposits, shall not at any time exceed double the amount of its capital stock paid in, nor shall the debts of every kind due, and to become due to the said bank, except debts due from the state of Pennsylvania, ever amount to more than three times its capital stock paid in; and the said bank shall not loan or discount any, when its circulation shall be, for thirty consecutive days, equal to three times the amount of specie, and notes of specie paying banks in its possession, belonging to said bank, and balances standing to the credit of said bank in any specie paying banks, convertible into specie at the pleasure of the said Bank of Carlisle. Liabilities of bank limited.

SECTION 3. In addition to the returns which the said bank is now required by law to make, when notified so to do by the auditor general, it shall also return on the oath or affirmation of the cashier, a statement in tabular form, showing first, the whole amount of its liabilities; second, the amount of debts due or to become due to said bank, except as before excepted; and if upon the return so made, it shall appear that its liabilities or available debts due or to become due to it, except as before excepted, shall have exceeded for thirty consecutive days, at any quarter of the last year, three times the amount of its capital stock paid in, or that its cir-

culatation was greater for thirty consecutive days, than three times the amount of specie in its possession, it shall be the duty of the auditor general forthwith to give notice thereof to the governor, who shall issue a proclamation, which shall be published in one newspaper in Harrisburg, and one paper in the vicinity of said bank, declaring its charter forfeited: and the said bank shall go into liquidation under the provisions of the act of the twelfth of March, one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks of this commonwealth, and for other purposes."

Joint liability.

Proceeding in case of violation of law.

SECTION 4. The stockholders of the Carlisle Bank shall be jointly liable to the creditors of the said bank, in their individual capacity, for the amount of notes issued, in an amount not exceeding the par value of the stock owned and possessed by them respectively, and the manner of enforcing such liability shall be as follows: In case the said bank shall violate the provisions of any law applicable to it, or becomes insolvent, or in failing circumstances, by reason of the mismanagement of its affairs, and is compelled to make an assignment under the provisions of the second section of the act passed the twelfth day of March, A. D. one thousand eight hundred and forty-two, entitled "An Act to provide for the resumption of specie payments by the banks," the assignees so appointed shall proceed to make a fair and equitable appraisement of the assets of the said bank, of every description, at their cash value, and also to make a list of all the debts due by the said bank; and if it shall appear that the assets are insufficient to redeem the notes in circulation, the stockholders of the said bank shall be liable to make up such deficiency, in proportion to the respective amount of stock held by each at the time such assignment is made: *Provided*, That their joint liability shall in no case exceed the amount of the par value of their stock.

Duty of assignees

SECTION 5. It shall be the duty of the assignees aforesaid to cause a scire facias, in the name of the commonwealth of Pennsylvania, to be issued by the prothonotary of the court of common pleas of Cumberland county, against all the stockholders of the said bank, reciting the amount of such deficiency, and requiring them to appear at the next court of common pleas in said county, to show cause why execution should not issue against them for such amount; and such scire facias shall also set forth the proportions due from each of the said stockholders, and it shall be the duty of the sheriff of said county, to serve the writ upon all stockholders named in said writ residing within his bailiwick; and it shall be lawful for the next court of common pleas, or a judge in vacation, to make such order, in reference to giving notice to stockholders, non-residents in the county, and named in such writ, as the case may require: *Provided*, That the scire facias shall not abate by reason of the non-joinder of any stockholder; and in case it shall appear that one or more persons in said writ named, are not liable under the provisions of this act, it shall not vitiate the proceeding against the others.

Proviso.

Judgment.

SECTION 6. On the return day of said writ of scire facias it shall be the duty of said court to render judgment against the stockholders named in said process, for the amounts for which they are respectively liable, if no sufficient cause shall be shown to the contrary, and to award writs of execution as in other cases.

Who are liable.

SECTION 7. Every individual who owned stock in his or her own name, or in the name of any other person or persons, at the time of such assignment, shall be deemed liable for his or her proportions, under the provisions of this act; but it shall be lawful for any stockholder of

the said bank, either before or after process shall have been issued, to pay his or her proportional share of liability to the assignees, and receive a full discharge from the same, and the process shall be proceeded in only against the other stockholders that are liable.

SECTION 8. The several provisions of the act of the fourteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," shall be held to apply to all assignments made by the said bank, whether under the provisions of the said second section of the act of twelfth March, one thousand eight hundred and forty-two, or otherwise; and the courts shall exercise all the powers therein given, in addition to the authority conferred by this act, to compel settlements of the accounts of the assignees, and to do every act necessary and proper to accomplish the purposes of the trust, and to compel distribution of the moneys and assets in the hands or power of the said assignees amongst the creditors entitled, according to the just proportion due to each.

SECTION 9. The said assignees shall pay, out of the assets and property of the said bank, in case of any assignment, the debts and liabilities of the same, in the following order: First, note holders; second, depositors; third, all other creditors, except stockholders, who shall be last paid.

SECTION 10. If any president, cashier, or any other officer or clerk of the said bank, shall fraudulently embezzle or appropriate to his own use, or to the use of any other person or persons, any money or other property belonging to the said institution, or left with the same as a special deposit or otherwise, he or they upon conviction of such offence shall be fined in a sum not less than the amount so appropriated or embezzled, and sentenced to undergo imprisonment in one of the state penitentiaries, as the case may be, to be kept in separate or solitary confinement, at labor, for any term not exceeding two years, at the discretion of the court: *Provided*, That this shall not prevent any person or persons aggrieved from pursuing his, her, or their civil remedy against such person or persons.

SECTION 11. The insolvency of said bank shall be deemed fraudulent, unless its affairs shall appear, upon investigation, to have been fairly and legally administered, and generally with the same care and diligence that agents, receiving a compensation for their services, are bound by law to observe.

SECTION 12. In case of a fraudulent insolvency the directors of said bank, by whose acts or omission the insolvency was in whole or in part occasioned, and whether then in office or not, shall each be liable to the stockholders of the said bank for his proportional share of the respective losses, the proportion to be ascertained by dividing the whole loss amongst the whole number of directors liable for its reimbursement. If the moneys remaining due to the creditors of the said bank, whose insolvency shall be adjudged fraudulent after the distribution of its assets, shall not be collected in whole or in part from the directors liable for their reimbursement, the deficiency, so far as to redeem the notes issued, shall be made good by the contribution of the stockholders of the said bank; the whole amount of the deficiency shall be assessed on the whole number of shares of the capital stock, and the sum necessary to be paid on each share shall then be ascertained, and each stockholder shall be liable for the sum assessed on the number of shares held by him, not exceeding the nominal amount of such shares, in addition to the sum paid or which he may be liable to pay on account

Proviso. of said shares : *Provided*, That nothing contained in this section shall be so construed as to conflict with the fourth section of this act.

Liability of transferees. SECTION 13. If the amount assessed on the shares of any stockholder under the provisions of the last section, shall not be collected from such stockholder by reason of his insolvency or his absence from this state, the sum remaining due on such assessment shall be recoverable against the person from whom the delinquent stockholder, at any time within six months previous to the insolvency of the said bank, shall have received a transfer of the shares or any portion of the shares then held by him ; and any person having made such transfer shall be liable in the same manner, and for the same proportion, that he would have been liable had he continued to hold the shares so transferred.

Stockholder defined. SECTION 14. The term stockholders, as used in the preceding sections of this act, shall extend to every equitable owner of stock appearing on the books of the said bank at the time of its insolvency, in the name of another person, and to every person who shall have advanced the instalments or purchase money of any shares of stock standing in the name of any of his children under the age of twenty-one years ; but no person holding stock as an executor or administrator, or as a guardian or trustee, appointed by a last will or testament, or by a court of competent authority, and no legal or equitable owner of stock under the age of twenty-one years, shall be individually responsible on account of the shares so held.

Insolvency defined. SECTION 15. The term insolvency, used in the preceding sections shall be construed to apply to the said bank when it is compelled to make an assignment, according to the provisions of the fourth section of this act ; and it shall be thereupon the duty of the directors of the said bank for the time being, within ten days after such assignment to file in the office of the prothonotary of the court of common pleas of Cumberland county, verified by oath or affirmation, a full statement of its affairs, containing—

Capital. I. An account of capital stock of the bank, the amount paid in, and the amount of stock held by such corporation.

Estate. II. The quantity, description, and value of the real estate of the said bank.

Stock. III. The shares of stock held by the bank, whether absolutely or as collateral security, with their number and value.

Debts to bank. IV. The debts owing to said bank, and the amount of said debts that are then collectable.

Debts of bank. V. The amount of debts owing by the said bank, with the amount of notes or bills in circulation, amount of deposits, and all other liabilities, together with the amount of its loans and discounts, and of specie on hand.

Losses. VI. A particular account of the losses of the corporation, and the causes of its insolvency.

Stockholders' names. VII. An accurate list of the names and residences, and the amount of stock held by each stockholder in said bank at the time of, and for six months prior to, the time of the said assignment.

Presentation of statement. SECTION 16. If the court shall be in session when the said statement is filed, the same shall be immediately presented to the court by the said directors for examination ; and if the court should not be in session at such time, then the said statement shall be presented upon the first day of the session of the court thereafter ; and it shall thereupon be

the duty of the court to appoint three competent auditors, who shall be **Auditors.** duly sworn or affirmed to make a strict investigation of the affairs of such bank, the accuracy and fairness of the statement thus presented to the court, and to perform their duties with fidelity.

SECTION 17. The auditors thus appointed shall have power to com- **Auditors' powers.** pel the production of the books and papers, and to subpoena and examine &c. the directors and officers of the said bank, and generally to have and exercise all the authority now conferred on auditors by the existing laws; and after having performed their duties, they shall report to the court the result of their investigation; and in case they report that the insolvency was fraudulent, it shall be their duty also to ascertain and report the amount due from the several directors, according to the liabilities imposed by the provisions of this act.

SECTION 18. The said court shall thereupon proceed to the investi- **Investigation by** gation of the matters contained in said report, and shall determine court. whether the insolvency of said bank was fraudulent or otherwise; or, if they deem it necessary for the purposes of justice, may direct an issue at the request of any person interested to try the fact of fraudulent insolvency, and if the judgment of the court, upon the report of the auditors or upon the verdict rendered upon such issue, should be that the insolvency of such bank was fraudulent, then and in such case the said court shall proceed to decree against the directors the amount due from each, according to their several liabilities; and the said court of common pleas, for the purpose of carrying into effect the provisions of this act, shall have the same powers and authorities to obtain the appearance of persons thus made amenable to their jurisdiction, and to compel obedience to their orders and decrees, and enforce execution thereof, as are by law vested in the said courts in cases of trusts.

SECTION 19. That it shall be competent for the stockholders of the **Directors, how** said bank, at any annual meeting, or at a special meeting convened **exempted.** for the purpose, according to law, by a vote of at least four-fifths in number and value of those present, to exempt the directors from all the liabilities intended for the special benefit of said stockholders, as set forth in the preceding sections of this act.

SECTION 20. That this act shall not go into operation until it shall **Acceptance by** first have been accepted by a majority of the stockholders that may be **stockholders.** present, at a general meeting of said stockholders, to be called for that purpose by the directors of said bank, who shall give twenty days notice of said meeting.

SECTION 21. So much of any act or acts of assembly as is hereby **Repeal.** altered or supplied, be and the same is hereby repealed.

SECTION 22. That the legislature hereby reserves the power to alter, **Legislative reser-** revoke, or annul the charter of the said bank whenever, in their opinion, **vation.** it may be injurious to the citizens of this commonwealth; in such manner, however, that no injustice shall be done to the corporators thereof.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 286.

AN ACT

To authorize the Bloomsburg railroad and iron company to construct a railroad from the North Branch canal to their iron works, on Fishing creek.

Location.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Bloomsburg railroad and iron company, in the county of Columbia, in the state aforesaid, shall have the right to construct a single or double track railroad, from their basin on the North Branch canal, near the town of Bloomsburg, to their iron works on Fishing creek, a distance of about one mile; said road to be for the accommodation of said company, in transporting their coal, limestone, iron, merchandize, and other personal property.

Restrictions.

Damages, how assessed.

SECTION 2. That said road shall not pass within fifty feet of any building on said line of road, without the consent of the owner or owners thereof; and in case of disagreement between the property holders on said line of road, and said company, as to the value of the ground to be occupied by said road, then and in that case, the judges of the court of quarter sessions of the county of Columbia shall appoint three disinterested and judicious persons, whose duty it shall be to view and examine the line of said road, and award such damages, (if there should be any,) as they, on their oaths or affirmations, shall deem just and proper, and said railroad company shall pay each of said jurymen the sum of two dollars per day, for each day necessarily spent in discharging said duties; and shall, if desired by the property holders on said line of road, give good and sufficient security, in double the amount awarded, conditioned for the payment of the award of said jury, and the award of said jury may be entered in the court of common pleas of said county, and on confirmation thereof by said court, the same shall have the effect of a judgment against the property of said company, to be collected as other judgments are by law collected.

Appeal.

SECTION 3. That either party shall have the right of appeal from the confirmation of said award to the court of common pleas of said county, on complying with the provisions of existing laws relating to appeals to the court of common pleas, from the award of arbitrators.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 287.

AN ACT

For the relief of the city of Pittsburg.

WHEREAS, By a conflagration of unparalleled magnitude, the city of **Preamble.**
Pittsburg has been nearly destroyed, and thousands of her citizens
made houseless and destitute: *And whereas*, Charity and benevolence
are as much the duties of states as of individuals; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representa-*
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, That **Appropriation.**
the sum of fifty thousand dollars is hereby appropriated, for the relief
and benefit of the sufferers from the late destructive fire in the city of
Pittsburg, the said sum to be distributed amongst the destitute, by the **Distribution.**
authority and under the direction of the mayor and select and common
councils of said city.

SECTION 2. That the whole amount of state and county tax, hereto- **Exoneration from**
fore assessed, and unpaid upon the personal property and the real estate, **tax.**
upon which the buildings have been destroyed by the late fire, within
the first and second wards of said city, and within the town of Ken-
sington, is hereby returned to the persons liable for the same; and that
for the years one thousand eight hundred and forty-six, one thousand
eight hundred and forty-seven, and one thousand eight hundred and
forty-eight, no taxes for state or county purposes shall be assessed on
or collected of the aforesaid real estate, in said wards and town of Ken-
sington.

SECTION 3. That all persons heretofore doing business within said **Exoneration from**
wards and town of Kensington, whose property or merchandize has **payment of li-**
been destroyed by the late fire, are hereby released from the payment **censes.**
of all licenses of any kind whatsoever, which have been assessed, or
returned for the year one thousand eight hundred and forty-five.

SECTION 4. That the state treasurer is hereby directed to pay to the **Duty of state**
mayor and select and common councils of the said city, for the purpose **treasurer.**
aforesaid, the sum of fifty thousand dollars, out of any money in the
treasury, and the cancellation of relief notes, for the ensuing quarter, **Cancellation of**
is hereby suspended; and that the sum of fifteen thousand dollars, **relief notes.**
mentioned in the act, entitled "An Act to establish an asylum for the
insane poor of this commonwealth, to be called the Pennsylvania State **Pennsylvania**
Lunatic Hospital and Union Asylum for the Insane," shall be retained **state lunatic hos-**
by the state treasurer, and paid out of the said notes; directed by law to **pital.**
be cancelled on the thirtieth day of September next.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred
and forty-five.

FRS. R. SHUNK.

No. 288.

AN ACT

To establish an asylum for the insane poor of this commonwealth, to be called
 "The Pennsylvania State Lunatic Hospital and Union Asylum for the Insane."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Purchase of site. Jacob M. Haldeman, Luther Reily, Hugh Campbell, Charles B. Trego and Joseph Konigmacher, be and they are hereby appointed commissioners to select and purchase a tract of land of not less than one hundred acres, situated within ten miles of Harrisburg, which said tract of land shall not cost more than ten thousand dollars; shall have a never failing supply of water on the premises, and be conveniently situated

Proviso. for receiving supplies of fuel: *Provided,* That the said commissioners shall receive no compensation for their services, other than their necessary expenses: *And provided also,* That if any person or persons shall make a gift of such a tract, the said commissioners are hereby authorized to receive a deed for the same, in trust for the Pennsylvania State Lunatic Hospital, and the sum of fifteen thousand dollars is hereby

Proviso. appropriated for the purpose of erecting and constructing the hereinafter described building and buildings: *Provided,* That the said fifteen thousand dollars shall not be paid until the conveyance of the aforesaid tract of land shall have been made as provided for in this section: *Provided also,* That the sum hereby appropriated shall be retained by the state treasurer out of the amount of relief notes, to be cancelled on the thirty-first of July, one thousand eight hundred and forty-five.

Appropriation.

Erection. **SECTION 2.** At any time after said site shall be obtained by the said commissioners, not exceeding three months, they shall contract for the erection of said asylum, on the most approved plan, on such terms as are just and prudent: *Provided,* That said hospital buildings shall be constructed in the most approved manner, of brick or unhewn stone; the foundations to be substantial and of rough mason work; the basements above ground of hammered stone; water-table, window and door sills, window and door caps, and door steps of the same material; partition walls to be of brick, and to contain flues for ventilators, furnace flues for heating, and also water pipes if necessary; the roof to be of slate or tin plate fire proof.

Commissioners to account. **SECTION 3.** Said commissioners shall, on or before the first day of January, one thousand eight hundred and forty-six, and on the first day of January annually thereafter, until the buildings are completed respectively, render to the proper accounting officers of the commonwealth, an exact account of all the contracts, expenses and liabilities which they shall have incurred, or authorized in the execution of their commissions, with vouchers for the same; and in case of their failure so to do, their authority to draw on the state treasurer for such sum or sums of money as shall hereafter be specified shall cease; and said commissioners shall so build, finish and furnish said asylum, that the whole cost of said buildings and furniture, with suitable apparatus for heating the rooms, for cooking, and for furnishing water for all

Cost limited.

the uses of the establishment, to accommodate two hundred and fifty patients, and the necessary attendants, shall not exceed fifty thousand dollars: *And provided also*, That the commissioners appointed by this **Commissioners to** act, before entering upon their duties, shall give bond with such secu- **give bond.** rity as may be required by the executive for the faithful and proper application of the funds placed in their hands and performance of their duties.

SECTION 4. The treasurer is hereby directed to pay to the said com- **Warrants on** missioners, on the warrant of the governor, out of any moneys in the **treasury.** treasury not otherwise appropriated, such sum or sums of money as they may require for building said asylum, together with the necessary out-buildings, and the complete finishing and furnishing of the same, not exceeding in the whole the said sum of fifteen thousand dollars, at such times as they may be wanted, the expenditure thereof to be accounted for to the auditor general of the commonwealth.

SECTION 5. The governor shall nominate, and by and with the advice **Trustees.** and consent of the senate, appoint nine persons to be trustees of the said institution, who shall be a body politic and corporate, by the name and style of the "Trustees of the Pennsylvania State Lunatic Hospital and **Incorporated.** Union Asylum for the Insane," and shall manage and direct the concerns of the institution, and make all necessary by-laws and regulations not inconsistent with the constitution and laws of the commonwealth; and shall have power to receive, hold, dispose of, and convey all real and **Powers.** personal property conveyed to them by gift, devise or otherwise, for the use of the said institution, and shall serve without compensation; of those first appointed three shall serve for one year, three for two years, three for three years, and at the expiration of the respective periods the vacancies to be filled by appointments for three years; and should any **Vacancies.** vacancy occur by death, resignation or otherwise, of any trustee, such vacancy shall be filled by appointment for the unexpired time of such trustee. The said trustees shall have charge of the general interests of the institution; they shall appoint the superintendent, who shall be a **Superintendent.** skilful physician, subject to removal or re-election no oftener than in periods of ten years, except by infidelity to the trust reposed in him or for incompetency—said physician shall always reside in the asylum, he shall be a married man, and his family shall reside with him; the trustees, by and with the consent of the governor, shall make such by-laws **By-laws.** and regulations for the government of the asylum as shall be necessary; they shall appoint a treasurer, who shall give bonds to the common- **Treasurer.** wealth for the faithful discharge of his duties; they shall determine his compensation for services; also the salaries of the other officers and **Salaries.** assistants, who may be necessary for the just and economical administration of the affairs of said hospital.

SECTION 6. The superintending physician shall appoint and exercise **Powers of super-** entire control over all subordinate officers and assistants in the institu- **intendent.** tion, and shall have entire direction of the duties of the same.

SECTION 7. The said trustees, and their successors in office, shall **Of donations.** have power to take and hold in trust, for the use and benefit of said asylum, any grant or devise of land, and any donation or bequest of money, or other personal property to be applied to the maintenance of insane persons, in or to the general use of the asylum.

SECTION 8. The admission of insane patients from the several coun- **Admission of pa-** ties of the commonwealth, shall be in the ratio of their insane popula- **tients.** tion: *Provided*, That each county shall be entitled to send at least one insane patient.

Charges.

SECTION 9. Indigent persons and paupers shall be charged for medical attendance, board and nursing, while residents in the hospital, no more than the actual cost; paying patients, whose friends can pay their expenses, and who are not chargeable upon townships or counties, shall pay according to the terms directed by the trustees.

Insane criminals admissible.

SECTION 10. The courts of this commonwealth shall have power to commit to said asylum any person, who having been charged with an offence punishable by imprisonment or death, who shall have been found to have been insane, in the manner now provided by law, at the time the offence was committed, and who still continues insane; and the expenses of said persons, if in indigent circumstances, shall be paid by the county to which he or she may belong by residence.

Legal settlement.

SECTION 11. That it shall be the duty of the court, in all cases where they shall commit any person to the asylum, to certify to the trustees the legal settlement of such person, if he or she have any legal settlement in this commonwealth; and if such person shall have no such settlement, then to certify the place of residence of such person at the time of offence committed, on application made, and the poor district so certified to be the place of settlement or residence of such person, shall be chargeable with the expenses of his or her care and maintenance, and removal to and from said asylum: *Provided*, That the settlement or residence of any such person shall not be so certified, until after due notice shall have been given to the constituted authority having charge of poor in the district to be charged thereby.

Proviso.**Insane paupers.**

SECTION 12. The several constituted authorities having care and charge of the poor in the respective counties, districts and townships of this commonwealth, shall have authority to send to the asylum such insane paupers under their charge as they may deem proper subjects; and they shall be severally chargeable with the expenses of the care, and maintenance, and removal to and from the asylum, of such paupers.

Charges, how collected.

SECTION 13. If the guardian, directors, or overseers of the poor, to whom any patient who shall be in the asylum is chargeable, shall neglect or refuse, upon demand made, to pay to the trustees the expenses of the care, maintenance and removal of such patient, and also, in the event of death, of the funeral expenses of such patient, the said trustees are hereby authorized and empowered to collect the same as debts of a like nature are now collected.

Power of courts to commit the insane thereto.

SECTION 14. That if any person shall apply to any court of record within this commonwealth, having jurisdiction of offences which are punishable by imprisonment for the term of ninety days or longer, for the commitment to said asylum any insane person within the county in which such court has jurisdiction, it shall be the duty of said court to inquire into the fact of insanity in the manner provided by law; and if such court shall be satisfied that such person is, by reason of insanity, unsafe to be at large, or is suffering any unnecessary duress or hardship, such court shall, on the application aforesaid, commit such insane person to said asylum.

Preferences.

SECTION 15. In order of admission, the indigent insane of this commonwealth shall always have precedence of the rich; and while the finances of the state do not permit ample provisions for all cases of insanity, recent cases shall have preference over those of long standing.

Visitors.

SECTION 16. The governor, judges of the several courts of record in the commonwealth, and the members of the legislature, shall be ex officio visitors of the institution.

SECTION 17. That the commissioners appointed by the first section Committee of this act, are hereby authorized and required to appoint a committee of five, in every city and county of this commonwealth, to solicit and receive private subscriptions for this laudable and benevolent object, and from time to time pay the same over to the state treasurer; and the state treasurer is hereby directed to pay to the commissioners aforesaid all such sum or sums of money thus received, to aid in the erection of said asylum.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 289.

A N A C T

Authorizing the secretary of the commonwealth to distribute copies of the standard of weights and measures, and for the appointment of sealers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the original standards of weights and measures furnished by the United States, and now in the office of the secretary of the commonwealth, shall remain in the case provided for that purpose, which shall only be opened under the direction of the governor or the said secretary, for the sole purpose of comparing such standards with the copies hereinafter described, unless by a joint resolution of the two houses of the legislature, or on the call of either house, or by permission of the governor, for scientific purposes. Disposition of standards.

SECTION 2. Copies of such original standards, for general use, to be made of such materials as the governor and the said secretary shall direct, shall be transmitted by them, on application therefor to the county commissioners of each county in this commonwealth, at the expense of the several counties to which the same are sent, and not otherwise. Counties, how furnished.

SECTION 3. The said secretary shall cause to be impressed on each of the copies of such original standards the letters Pa., and such other additional device as he shall direct for the particular county, which device shall be recorded in the secretary's office, and a copy thereof transmitted to the respective county commissioners. Devices.

SECTION 4. It shall be the duty of the county commissioners receiving such standards as aforesaid, and their successors in office, in every five years, and oftener if they shall have reason to believe it necessary, to cause such standards so received by them, or their predecessors in Duty of county commissioners.

office, to be tried and examined, to be corrected or renewed, so as to conform exactly to the standards prepared according to act of congress. and deposited in the office of the secretary of the commonwealth as aforesaid.

Sealers, appointment and duties.

SECTION 5. The governor is hereby authorized to appoint one sealer of weights and measures for the city, and one sealer of weights and measures for the county of Philadelphia, and one for such other of the counties of this commonwealth as shall apply for and obtain copies of the standards, as provided for in the second section of this act, whose duty it shall be to compare all weights and measures which shall be brought to them for that purpose, with the copies of the standard furnished as before provided for; and when the same are found or made by such sealer to conform to the legal standard, the officer comparing them shall seal and mark such weights and measures; and said sealers of weights and measures shall hold their offices three years, unless sooner removed by the governor.

Further duties.

SECTION 6. Each of the several regulators of weights and measures hereinbefore authorized to be appointed, shall, at least once in each year, advertise in one or more newspapers in the proper city or county, the place where his office is held; and it shall also be the duty of said regulators of weights and measures, at least once in each year, to go to stores, houses, stalls, and offices of the makers, venders or proprietors of beams, scales, weights and measures, in the proper city and county, and try and adjust, (or cause to be adjusted,) all beams, scales, weights and measures, and seal the same with the initials of his last or surname, and the current year, for which trial and adjustment he shall demand and receive the following fees, to wit: For the trial and balancing of

Fees.

every set of scales, ten cents; of every patent balance, twenty cents; of every set of coal or hay scales, two dollars each; and of every yard measure, six cents; for every bushel measure, twenty cents; for every half bushel measure, fifteen cents; for every peck and half peck measure, ten cents; for quarter peck measure, six and a-fourth cents; of every gallon, half gallon and quart measure, four cents each; of every pint or less, three cents each; of every weight, twenty-eight pounds or more, twelve and a-half cents; of every weight less than twenty-eight pounds, four cents each; and an additional charge for lead, labor or other materials for adjusting said beams, scales, weights and measures, at the current value of labor and materials furnished, and no more; and if the said makers, venders or proprietors of beams, scales, weights and measures, or any of them, shall find it inconvenient to have them adjusted and sealed, or for any other cause, the said beams, scales, weights and measures, shall not have been adjusted and sealed when said regulator attends, they shall be required to bring the same to his office before using them, and have them adjusted and sealed, for which he shall receive the same fees, as if done at the houses, stalls, stores or offices of said makers, venders or proprietors: *Provided*.

Additional charges.

Proviso.

Half fees.

That for the sealing of such beams, scales, weights and measures, as have been sealed the previous year, he shall demand and receive only one-half the aforementioned fees.

Penalty.

SECTION 7. In case any maker, vender or proprietor of beams, scales, weights or measures, within the city or county of Philadelphia, or county for which a sealer has been appointed, shall neglect or refuse to comply with the requisitions which the regulator of weights and measures is authorized and directed to make, or shall sell by false beams, scales, weights or measures, such person or persons so offending, shall, for each and every offence, forfeit and pay the sum of five dollars, which may be sued for, and recovered as debts of the like amount are

by law recoverable for the use of the poor of the city, district or township, in which such fine shall have been incurred: *Provided*, That the Construction of provisions of the fifth and sixth sections of this act shall not be so construed as to extend to such beams, scales, weights and measures, as shall not be used by the proprietors thereof, for the purpose of buying or selling the same.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 290.

AN ACT

To annul the marriage contract of William B. Chase and Mary A. Chase.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between William B. Chase and Mary A. Chase, of the city of Philadelphia, be and the same is hereby annulled and made void, and the parties are hereby released and discharged from the said contract, and from all legal duties and obligations arising therefrom, as fully, effectually, and absolutely as if they had never been joined in marriage.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 291.

AN ACT

Authorizing the chief burgess and council of the borough of New Castle, in the county of Mercer, to provide a lock-up house in said borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the chief burgess and town council of the borough of New Castle, in the county of Mercer, be and they are thereby authorized to furnish materials and build, or otherwise provide and support, in or contiguous to the said borough, at the expense of said borough, for the security and temporary detention of persons committed by justices of the peace of said county; and the chief burgess of said borough, for any violation of the laws of this commonwealth, for which such person or persons could lawfully be committed to the common prison, there to remain and be kept until such offender or offenders can be discharged according to law: Provided, That no person committed by a justice of the peace, or chief burgess aforesaid, shall be confined in said house at any one time for a longer period than twenty-four hours.*

Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 292.

A N . A C T

Relating to the navigation of the Youghiogheny river.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, so much of the provisions of the fifth section of the act of eleventh June, eighteen hundred and forty, entitled "An Act to provide for continuing the improvements of the state, and for the payment of the interest on the state debt," which provides that all descending crafts owned by citizens of Pennsylvania, and not intending to return, shall pass free from toll on the lower division of the Monongahela improvement, is hereby extended to the Certain act made Youghiogheny river; and hereafter all boats, rafts, arks,⁴ and other applicable to. crafts descending the Youghiogheny river owned by citizens of Pennsylvania, and not calculated or intended to return, shall pass free of toll Free of toll. or other charge through any lock or locks, dam or dams, of the Monongahela navigation company.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 293.

AN ACT

Changing the names of certain persons.

Martin Long, to
Marx Long.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the name of Martin Long, [second,] of the borough of Wilkesbarre, county of Luzerne, be and the same is hereby changed to Marx Long; by which name he shall hereafter be able and capable in law to hold all property and rights of property, which heretofore have become vested in him by the name of Martin Long, [second:]

Joseph Mires
Hearbert, to Jos.
Mires Kuhns.

SECTION 2. That the name of Joseph Mires Hearbert, of Wilkins township, Allegheny county, be and the same is hereby changed to Joseph Mires Kuhns; by which name he shall hereafter be able and capable to hold all property and rights of property to which he has been or may hereafter be in any manner entitled.

Peter Malony, to
Peter Lamb.

SECTION 3. That the name of Peter Malony, of the county of Philadelphia, be and the same is hereby changed to Peter Lamb; and he shall henceforth be called and known by the name of Peter Lamb, and by that name he shall be able and capable in law to sue and be sued, to grant and receive property, and to do all other legal acts as effectually, to all intents and purposes, as he could have done under his former name, if no change had been made therein.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 294.

AN ACT

Granting the courts of this commonwealth the power to appoint viewers to view certain streets and alleys in this commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That ^{Power to change} the courts of quarter sessions shall have power to change or vacate any or vacate. street or alley in any unincorporated village, and for this purpose shall proceed on the petition of citizens desiring such change or vacation, by granting views or reviews in the manner directed by law, for laying out and vacating public roads.

SECTION 2. That all damages which may be sustained by any owner ^{Damages.} of property, by reason of such change or vacation of any street or alley, shall be assessed by the same viewers or reviewers appointed as aforesaid, and shall be paid by the said petitioners before any order for any such change or vacation shall have effect, and within three months after the confirmation of the report of the said viewers or reviewers, otherwise said proceedings shall be set aside.

SECTION 3. The costs of all such views and reviews shall be paid by ^{Costs.} the said petitioners, and may be enforced by said courts by rule and attachment against said petitioners: *Provided,* That the provisions of this act shall not extend to the counties of Chester, Delaware, Philadelphia, Westmoreland, Erie, York, Berks, Perry, Cumberland, Tioga, ^{Counties except-} ed. Bradford, Luzerne, Columbia, Franklin, Adams, Northampton, Lehigh, Schuylkill. Huntingdon, Bedford, Bucks, Lebanon and Montgomery.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 295.

A FURTHER SUPPLEMENT

To the act erecting a new county to be called Carbon.

Confirmation of
roads.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of quarter sessions for the county of Monroe shall have full power to confirm such roads within that part of Monroe county which is now included in the new county of Carbon, as were confirmed *in* by the said court before the erection of Carbon county, anything contained in the act erecting said new county of Carbon to the contrary notwithstanding.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 296.

AN ACT

Authorizing the sale of the real estate of Mary Latta and Elizabeth Latta, deceased and for other purposes.

Preamble.

WHEREAS, The Reverend James Latta, of Drumore township, Lancaster county, lately died intestate, seized in his demise as of fee of and in a certain plantation or tract of land, situate, lying, and being in the said township of Drumore, in the county aforesaid, containing about one hundred and fifty acres, more or less :

And whereas, The said plantation or tract of land, upon the death of the said James Latta, deceased, descended to and vested in Francis, William, John, Mary, Margaret, and Elizabeth Latta, and Sarah, intermarried with the Reverend Thomas Love, and James Latta, children and heirs at law of said James Latta, deceased, as tenants in common :

And whereas, John Latta of the said tenants in common afterwards died intestate, and the said plantation or tract of land being undivided among the said heirs, an act of the general assembly of this commonwealth was passed the twenty-seventh day of March, Anno Domini

one thousand eight hundred and twenty-seven, authorizing the sale of said John Latta's undivided share in the same:

And whereas, Mary and Elizabeth Latta have both since died intestate, unmarried and without issue, and letters of administration have been granted in due form of law on the estates of the said Mary and Elizabeth Latta, by the register of Chester county, to the said Reverend James Latta:

And whereas, The estates of the said Mary and Elizabeth Latta are not incumbered with debts, so as to authorize the orphans' court having jurisdiction to direct a sale of the undivided shares of the said Mary and Elizabeth Latta into the said plantation or tract of land:

And whereas, It is desirable that the same should be sold, in order to effect a speedy settlement of their several estates; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Reverend James Latta, administrator of said Mary Latta and Elizabeth Latta, deceased, be and he is hereby authorized and empowered to sell the undivided share or shares of the said Mary Latta and Elizabeth Latta, deceased, and the said plantation or tract of land situated in Drumore township, Lancaster county, by public vendue or outcry at such time and place as the orphans' court of Lancaster county may direct and authorize: *Provided*, That before the sale as aforesaid is confirmed, the said administrator shall give bond, with security, to be approved by the orphans' court of said county, for the faithful application of the proceeds of the sale of such undivided share or shares of the real estate aforesaid. Power to sell. Proviso.

SECTION 2. That in all places in the act of eighteenth March, Jacob Van Bilbiard and other trustees, to sell and convey certain real estate," the name shall be read and mean Jacob Van Bilbiard; and where the name of John Bast occurs in said act, it shall be and read Jacob Bast; and where the name of John Shiek occurs, it shall read John Shick.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 297.

A SUPPLEMENT

To an act, entitled "An Act to authorize the commissioners of the incorporated districts of the county of Philadelphia, to construct works for supplying said districts with water from the Schuylkill river."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the second section of the act, passed the eighteenth day of April, Anno Domini, one thousand eight hundred and forty-three, entitled "An Act to authorize the commissioners of the incorporated districts of the county of Philadelphia, to construct works for supplying said districts with water from the Schuylkill river," as provides for the election of water commissioners by the said incorporated districts, be and the same is hereby repealed; and the watering committees of the districts of the Northern Liberties and Spring Garden, be and they are hereby empowered to perform all the duties now devolving upon said water commissioners: *Provided,* That this act shall not take effect prior to the third Monday of July, one thousand eight hundred and forty-five.

Repeal.

Duties of watering committees,
N. L. and S. G.

Act to take effect.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 298.

AN ACT

Declaratory to the twenty-ninth section of the act, entitled "An Act authorizing the governor to incorporate the Philadelphia and Taylorsville railroad company, the Hestonville and Schuylkill railroad company, to amend the charter of the Philadelphia and Reading railroad company, and the Little Schuylkill navigation railroad and coal company," approved the fifteenth day of June, one thousand eight hundred and thirty-six, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That by the passage of the twenty-ninth section of the above recited act, the meaning and intention of the legislature was to impose upon the Philadelphia and Reading railroad company, the obligation to make compensation to the owners of lots along the street, to be occupied by the location and construction of their road within the borough of Reading, for any injury or damages done to such lots fronting on said street, by reason of the occupation of said street with their railroad, in the same manner as is provided in the act incorporating the said Philadelphia and Reading railroad company, and the several supplements thereto. Damages.

SECTION 2. That any proceedings now pending by owners of lots along Seventh street, in the borough of Reading, against the Philadelphia and Reading railroad company, under the twelfth section of the act to incorporate the Philadelphia and Reading railroad company, passed the fourth day of April, Anno Domini, one thousand eight hundred and thirty-three, shall be held and considered legal and valid for the purpose of recovering the damages done to said property, as fully and effectually as the proceedings against said company, for any injury done on any other part of their said road between Philadelphia and Pottsville. Proceedings against, legalized.

SECTION 3. That the canal commissioners be and they are hereby authorized to cause to be altered and repaired in the state shop, at Parkesburg, the boiler of the engine attached to the newly invented steam canal boat of Gilman Converse: *Provided,* The expense of the same shall not exceed one hundred dollars. An engine boiler to be repaired.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 299.

AN ACT

To incorporate the American Sunday school union.

Incorporated. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That Alexander Henry, Charles Chauncey, William H. Richards, Ambrose White, Thomas Fleming, Herman Cope, Frederick W. Porter, Frederick A. Packard, and the other persons belonging to, or composing the society now called the American Sunday school union, and their successors, (who shall become members of the corporation according to the by-laws,) be and they are hereby created a body politic and corporate in law, by the name; style and title of the American Sunday school union; and by that name shall have perpetual succession, have a common seal, make contracts, may sue and be sued, plead and be impleaded in any court of record, or in any other place whatever; and may also take and hold any real or personal estate, conveyed to them by gift, grant, bargain and sale, devise, bequest, or other alienation whatsoever, and sell and convey the same: *Provided,* That the clear yearly value of lands, tenements, or other real estate of the said corporation, shall not exceed the sum of three thousand dollars.

Proviso. SECTION 2. The object of this corporation is to establish and maintain Sunday schools, and to publish and circulate moral and religious publications.

Object. SECTION 3. The affairs of this society shall be under the direction of a board, consisting of a president, vice presidents, a corresponding secretary, recording secretary, treasurer, and thirty-six managers, twenty-four of whom shall reside in the city of Philadelphia, or its vicinity; the managers shall be divided into three classes, whose terms of service shall be, respectively, one, two, and three years, but they may be re-elected; the officers and managers shall be laymen, and shall be elected by ballot; the managers shall annually elect all officers of the society, fill vacancies in their own body, and may adopt such other measures as may, in their opinion, promote the objects of the association; five managers shall constitute a quorum, and until the first election shall be held in pursuance hereof, the officers of the present society shall be the officers of this corporation, **Board.** and no failure to hold an election for, or to elect any of said officers, shall be deemed a forfeiture of any of the corporate privileges hereby conferred, but the same shall continue unimpaired thereby; and on such failure or failures, the officers of the preceding year shall continue in office until their successors are duly elected.

Managers. SECTION 4. A meeting of the corporation shall be held once in each year, at such time and place as the board may, by their by-laws, appoint for the election of managers, and for such other business as it may be necessary for the society to transact; no person shall have a vote in the election of managers, who has not been a member of the corporation at least three months before the time of the election, at which he claims to vote.

Election.

Quorum.

Failures to elect.

Meetings.

Voters.

SECTION 5. The board shall have the power to appoint such other **Powers.** officers, not hereinbefore provided for, as may be necessary to provide for and regulate the admission of persons, being citizens of the United States, as members of the corporation, and to make all other laws and regulations necessary for the good government of the corporation, and not repugnant to the constitution and laws of the United States, or of this commonwealth.

SECTION 6. Special meetings of the society shall be called by the **Special meetings.** resident, or in his absence, by either of the vice presidents, at the written request of five managers, of which meeting three days public notice shall be given.

SECTION 7. The legislature may at any time alter, amend, or repeal **Revocation.** the privileges hereby granted.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 300.

A FURTHER SUPPLEMENT

To an act concerning divorces.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That upon a decree a mensa et thoro, and the allowance of alimony, shall have been made by any of the courts of common pleas of the respective counties of this commonwealth, or hereafter may be made, it shall be the duty of the prothonotary of said court to enter the said decree on the judgment docket of said court, which said decree when so entered, is hereby declared to be and shall remain a lien on the real estate of such respondent, until the same is satisfied for the full amount that may be due up to the period of such satisfaction; and after such lien shall be so entered, it shall be the duty of the prothonotary of said court, upon affidavit by the libellant that any payment under said decree, as the same has been made due and payable by the court, is due and unpaid, to issue execution on the written order of the libellant, or her attorney, setting forth the amount so due and unpaid, which shall be directed to and served by the sheriff in like manner as executions upon judgment; and if the court should be of opinion that the said lien is not sufficient for the full or permanent security for payment of said decree, it shall have power and authority, on satisfactory proof being made that the respondent is possessed of sufficient estate, to order a decree and require that security, such as shall be determined and approved by said court, **Decree of court of common pleas.** **Duty of prothonotary.** **Security.**

shall be given for the due payment of the said alimony according to the terms of said decree; the said security to be either by a bond, with sufficient sureties, or mortgage on real estate, taken in the name of the commonwealth, to the use of the party entitled to said alimony, or by the deposit of money, to be invested as the court may deem proper, as may seem to the court sufficient to secure the payment of said alimony, as the same may fall due.

Attachment.

SECTION 2. The said courts may enforce their decrees by attachment on the return of which they may make such order, either to imprison or discharge the defendant, as the facts of the case may justify.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK

No. 301.

AN ACT

To incorporate the Presbyterian church, in the borough of Wrightsville, York county.

Incorporation.

Name.

Privileges.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Presbyterian church, and congregation of the borough of Wrightsville, in the county of York, be and they are hereby created into one body politic and corporate, in deed and in law, by the name, style and title of "The Presbyterian church, in the borough of Wrightsville, in connection with the general assembly of the Presbyterian church in the United States of America," and by the same name shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of law and elsewhere, to take and to hold to them and their successors, for the use of said church and congregation, lands and tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which is now or hereafter shall become the property of the said church and congregation, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage or dispose of, for the use of said church and congregation; and to erect, if necessary, or enlarge any building for the purpose of worship, residence of the pastor or other purpose, consistent with the advantage of religion, and to finish and complete any building as aforesaid that may be commenced, or for

the erection of which any contract or contracts may be, or shall have been made and determined upon by the trustees heretofore duly elected, and now acting as the trustees of said Presbyterian church; and also to erect and enlarge any building which may hereafter become necessary for the purposes aforesaid, as may be directed by a majority of the congregation who may be present and qualified to vote by the second section of this act, at a meeting to be held for that purpose, of which meeting at least two weeks previous notice shall be given from the pulpit or clerk's desk, or in any other way a majority of the trustees shall direct, and generally adopt all such measures, and do all and singular such matters and things as may be lawful to be done, for the well being and due management of the affairs of the said church and congregation: *Provided*, The yearly income of said estates shall not at any time exceed the sum of two thousand five hundred dollars, exclusive of annual stated contributions: *Provided further*, That the provisions of this act shall not be construed to vest in the corporators any right or interest in, or control over the brick church or meeting house, and lands attached thereto, situate in or near the town of Wrightsville, and south of the turnpike road leading from Wrightsville to the borough of York.

SECTION 2. The trustees of said church and congregation shall be six in number, four of whom shall be a quorum for the transaction of business, and until others shall be elected, shall consist of the following named persons heretofore elected and now acting as trustees of said church, viz: Jacob Levergood, Samuel M. Smith, Jacob Bahn, Jacob Upp, Joseph Hiddleston, and Henry Wilton, who shall continue in office until the last Saturday in December next, Anno Domini, eighteen hundred and forty-five, and until others are chosen, on which day the male members of the said church and congregation shall elect, at a meeting held for that purpose in the church, or such other place as a majority of the congregation present shall agree upon, six persons to serve as trustees, two of whom shall serve three years, two to serve two years, and two to serve one year; the term of service to be designated by the electors on their ballots, and their places respectively shall be supplied at the annual election, to be held for that purpose on that day in every year thereafter, by the election of two persons to serve for three years: *Provided*, That in case of vacancy by death or otherwise, the remaining trustee or trustees shall appoint a person or persons to supply the same, until the next election; and any male member of said congregation, at least twenty-one years of age, and who shall have paid a sum not less than one dollar per annum for the support of said church, and who shall not be more than twelve months in arrears for pew rent at the time of an election, shall be entitled to vote for and be eligible as a trustee of the said congregation.

SECTION 3. The said trustees and their successors shall choose, by ballot, from among their number, a president and secretary, and shall also choose a treasurer, who shall be a member of the congregation, and who shall, if required by the trustees, give security for the faithful performance of the trust reposed in him, and shall have his accounts annually audited and settled by the trustees, and account to them for all sums of money received by him, or remaining in his hands at any time; and in case of the removal of the president or any of the trustees, by death, resignation, or neglecting to attend the meetings of the said board twice in succession, without good cause or otherwise, the vacancy or vacancies shall be supplied by the remaining trustee or trustees, until the next annual election.

SECTION 4. The said trustees and their successors shall have full power to make and use one common seal, and the same to alter and

Powers of trustees.

renew at pleasure, and to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and transaction of the business of the corporation ; to change the time of holding the annual meeting for electing trustees, from time to time as they may find convenient, or if the congregation neglect to elect at the annual meeting, to appoint any subsequent time, on which said election shall be held : *Provided*, That previous notice be given of said meeting as directed in the first section of this act ; and that on failure to elect as aforesaid on any day appointed, the corporation shall not be dissolved thereby, but the election shall be held as hereinbefore provided : *And provided also*, That the said by-laws and ordinances be framed, enacted and promulgated, and all the acts of the said incorporation be in conformity with the rules and principles of the orthodox general assembly of the Presbyterian church in the United States of North America, existing and established at the time of the enactment thereof, and not inconsistent with the constitution and laws of this state, or of the United States.

Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
 JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 302.

A SUPPLEMENT

To the act of assembly, passed the twenty-ninth March, one thousand eight hundred and thirty-two, relating to the proceedings in the orphans' court of this commonwealth, and for other purposes.

Upon non-agreement of parties in cases of partition.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That when upon any proceedings in the orphans' court, an appraisement or partition of real estate is made by an inquest of seven or more persons appointed by the court, the said court shall, upon the refusal of any of the heirs or parties interested to accept any part of the same at the valuation thereof, or if after due notice they shall neglect to appear and accept the same, make a decree authorizing and requiring the executor or administrator, or other person, as the case may be, to expose such parts of the real estate not accepted as aforesaid, to be sold agreeably to the provisions of the act of assembly, passed the twenty-ninth of March, one thousand eight hundred and thirty-two.

Confirmation of prior partitions.

SECTION 2. That all proceedings heretofore had in orphans' courts in this commonwealth, for the partition of any decedent's estate wherein partition has been made, and a part thereof taken at the valuation, and

a part upon the refusal of the other heirs, sold and conveyed under the order of such court by executors or administrators, shall be considered and taken to be valid and effectual, any law to the contrary notwithstanding.

SECTION 3. That hereafter the courts in the seventeenth judicial district shall be held as follows: Commencing in Beaver county on the first Mondays of June, the first Mondays of September, the third Mondays of November, and the second Mondays of March; in Butler county, on the second Mondays of June, the second Mondays of September, the second Mondays of December, and the fourth Mondays of March; in Mercer county, the fourth Mondays of June, the third Mondays of September, the third Mondays of December, and the first Mondays of April in each year; and each of said terms shall continue one week, if necessary, except the November term in Beaver county, which shall continue two weeks if necessary; and the judges of said district shall hold adjourned courts as often as the business of said district may require.

SECTION 4. That the removal of the county seat in Fayette county from its present location, shall not take place under the provisions of the act, entitled "An Act to authorize the erection of public buildings in Fayette county, and for other purposes," unless the commissioners named in said act shall unanimously decide that such removal is necessary to the interest and convenience of the people of said county.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 303.

A SUPPLEMENT

To an act, entitled "An Act relating to executions," passed the sixteenth day of June, A. D., one thousand eight hundred and thirty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the jurisdiction of aldermen and justices of the peace is hereby extended to the issuing service, trial, judgment and execution of all process required by the thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh and thirty-eighth sections of the act relating to executions, passed the sixteenth day of June, one thousand eight hundred and thirty-six.

SECTION 2. That any alderman or justice of the peace, before whom any judgment remains unsatisfied, and an execution has returned no bona.

Attachment.	goods, may, on the application of the plaintiff, and his compliance with the requisitions of the act to which this is a supplement, issue an attachment in the nature of an execution, as therein provided, to levy upon stock, debts and deposits of money belonging, or due to the defendant, in satisfaction of said judgment.
Return of writ. Service.	SECTION 3. That the said writ of attachment may be issued, returnable not less than four nor more than eight days, and shall be served in the manner pointed out for the service of a summons upon the debtor, depository, bailee, pawnee, or other person having property of the defendant in his hands, made liable to attachment by the act to which this is a supplement; and on or before the return day of said writ, the plaintiff may file with the magistrate interrogatories in writing, addressed to the person summoned as garnishee, in regard to the property and effects of the defendant alleged to be in his hands at the time of the service of said writ; a copy of the same, with a rule to answer, shall be served upon said garnishee personally, to answer under oath or affirmation, all such interrogatories as the magistrate shall deem proper and pertinent, within eight days after the same shall be served.
Interrogatories to garnishee.	
On refusal to answer.	SECTION 4. If said garnishee shall neglect or refuse to answer said interrogatories within eight days, (unless, for cause shown, the time has been extended,) he shall be adjudged to have in his possession property of the defendant equal in value to the demand of said plaintiff; and judgment may be rendered by default against said garnishee for the amount of the same, with costs.
Judgment by de- fault.	
Special judgment	SECTION 5. That if the garnishee in his answers, admit that there is in his possession or control property of the defendant liable under said act to attachment, then said magistrate may enter judgment specially, to be levied out of the effects in the hands of the garnishee, or so much of the same as may be necessary to pay the debt and costs: <i>Provided</i> however, That the wages of any laborers, or the salary of any person in public or private employment, shall not be liable to attachment in the hands of the employer.
Exemptions.	
Appeals.	SECTION 6. The plaintiff, the defendant, or the garnishee in the attachment, may appeal from the judgment of the alderman or justice of the peace to the next term of the court of common pleas, on complying with the provisions of the laws regulating appeals in other cases: <i>Provided</i> , That the fees allowed justices, and alderman, and constables, under this act, shall be the same as allowed by the general fee bill for similar services in other cases.
Fees.	

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 304.

AN ACT

For the benefit of Eliza Letitia Buckley, now Yeates.

WHEREAS, William Harmar and Clement A. Buckley, brother and brother-in-law of Eliza Letitia Buckley, were appointed her trustees by Preamble. the voluntary agreement and consent of all parties interested, to preserve the separate estate about to be settled on the said Eliza in contemplation of marriage, which said marriage did take place, and has since been dissolved by the death of her said husband :

And whereas, The said trustees, and the other parties interested therein, have assigned their interest to the said Eliza, and are willing that she should manage her own estate in person, and have signed and sealed an instrument in writing to that effect; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Trustees discharged. William Harmar and Clement A. Buckley are hereby discharged from any further duties as trustees of the estate of Eliza L. Buckley, and she, the said Eliza, shall have the full possession and control thereof in person, and the payment and delivery to her of any or all of said estate, shall be a good and valid payment and delivery.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 305. ,

AN ACT

Concerning the claim of David Cummings.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners be and they are hereby authorized and required, upon the application of David Cummings, late supervisor on the Juniata division of the Pennsylvania canal, to examine his claim for money and interest on money alleged to have been advanced and expended by him for the use of the canal, in the years one thousand eight hundred and thirty-two, and one thousand eight hundred and thirty-three; also, into an alleged error in the settlement of his accounts as collector of tolls at Harrisburg; and also, his claim for damage done on the enlargement of an aqueduct at Lewistown, in March, one thousand eight hundred and forty-one; and certify the amount which they may find due to him, if any, to the auditor general, who shall allow the said David Cummings credit for the sum so certified in the settlement of his accounts.*

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No 306.

A FURTHER SUPPLEMENT

To the act incorporating the Columbia Bank and Bridge Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Annual election.

the elections for directors of the Columbia Bank and Bridge Company

shall always hereafter be held on the second Wednesday of November in each and every year, and not on the fourth Monday of November as heretofore provided.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 307.

A N A C T

Supplementary to an act, entitled "An Act to incorporate the Allegheny county mutual insurance company," approved the fourth day of April, A. D. one thousand eight hundred and forty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Allegheny county mutual insurance company is hereby authorized to receive cash premiums for insurance at such rates and for time and period as the directors shall determine; the said cash premiums returnable to the persons insured after deducting ten per centum of such premium for expenses of the company, and also the proportion of the insured for all losses sustained by the company during the continuance of his, her or their policy; and such dividend or reimbursement shall be made to the insured at the expiration of his, her or their policy, or at such other time as the directors shall by their by-laws appoint: *Cash premiums.* *Provided,* The insured shall not be liable for any further payment *Proviso.* than the premium already paid for insurance; and it may be lawful for said corporation to loan such portion of their money on hand, which may not be immediately wanted for the purposes of the corporation on such time and on such security as the directors may determine: *Provided,* That nothing shall be so construed as to authorize the said corporation exercising banking privileges.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 308.

AN ACT

To incorporate the society of the Methodist Episcopal church, of the township of Susquehanna, in the county of Dauphin, with power to sell certain real estate.

Incorporation.	<p>SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Methodist society in the township of Susquehanna, in the county of Dauphin, in the state of Pennsylvania, be and the same is hereby created into a body politic and corporate, in deed and in law, by the name, style and title, of the "Trustees of the Methodist Episcopal Church in the township of Susquehanna," and by that name shall have perpetual succession; and the present trustees, who have been appointed agreeably to the discipline of said church, or their successors in office, shall be able to sue and be sued, to plead and be impleaded, in all courts of law and elsewhere; and shall be able and capable in law and equity to take and to hold, to them and their successors, for the use of said church, lands, tenements, goods, chattels, of whatsoever kind, nature and quality, personal or mixed, which now is or shall hereafter become the property of said society, or be held for their use by gift, grant, bargain, sale, conveyance, devise, bequest, or otherwise, from any person whomsoever capable of making the same; and the same to grant, bargain, sell, or otherwise dispose of, for the use of said society: <i>Provided however,</i> That no such sale, disposal, or alienation, shall be legally valid, without having first obtained the consent of a majority of said trustees, at a special meeting regularly called for that purpose, and afterwards approved by the members of the quarterly conference of the circuit or station, including the aforesaid society.</i></p>
Name.	
Privileges.	
Proviso.	

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 309.

A SUPPLEMENT

To "An Act relating to a certain action pending in the court of common pleas of the city and county of Philadelphia, and relative to special courts in the county of Mifflin."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* **Repeal.** the first section of the act, entitled "An Act relating to a certain action pending in the court of common pleas of the city and county of Philadelphia, and relative to special courts in the county of Mifflin," be and the same is hereby repealed; and that the action of debt therein mentioned, be and the same is hereby restored to the court of common pleas for the city and county of Philadelphia: *Provided, always, That any* **Proviso.** cost of this proceeding which would otherwise fall on the county of Delaware, shall be paid by the county of Philadelphia.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 310.

AN ACT

To provide for the erection of a house for the employment and support of the poor of the county of Somerset, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* George Walker of Brother's Valley, Samuel Miller of Elk Lick, John Hanna of Addison, Peter Putnam of Milford, David Levan of Somerset township, John Hoffman of Jenner, Benjamin Kimmel of Stony Creek, George Chorpenning of Somerset, and Joseph Miller of Quemahoning, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of January, Anno Domini eighteen hundred and forty-five, to determine upon and purchase such **Purchase real es-** real estate as they shall deem necessary for the accommodation of the **tate.**

Election of directors.

poor of Somerset county; and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor in the name and for the use of the corporation mentioned in the third section of this act, and they shall certify their proceedings therein under their hands and seals, to the clerk of the court of quarter sessions of Somerset county, to be filed in his office; and at the next general election, the qualified electors shall elect three reputable citizens of the said county, to be directors of the poor, and house of employment for the county of Somerset for the ensuing year; and the judges of the election of said county shall, immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, certify, under their hands and seals, the names of the persons so elected directors, to the clerk of the court of quarter sessions of the said county, who shall file the said certificate in his office, and forthwith give notice in writing to the said directors of their being elected; and the said directors shall meet at the court house on the said first Monday of November next ensuing their election, and divide themselves by lot into three classes, the place of the first to be vacated at the expiration of the first year; of the second at the expiration of the second year; of the third at the expiration of the third year; so that those who shall be chosen after the first election, and in the mode above described, may serve for three years, and one-third may be chosen annually.

Classification of directors.

Oath.

SECTION 2. Every director elected in aforesaid manner, or appointed as is directed by the eleventh section of this act, shall, within ten days after he is notified of such election or appointment, and before he enters upon the duties of the said office, take an oath or affirmation, which any justice of the peace of the said county is hereby authorized to administer, that he will discharge the duties of the office of director of the poor for the said county, truly, faithfully, and impartially, to the best of his knowledge and ability; and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid, he shall forfeit and pay the sum of ten dollars for the use of the poor of said county, which fine shall be recovered by the directors for the time being, as debts are or shall be by law recoverable; and the directors qualified as aforesaid, are hereby authorized to administer an oath or affirmation in any case when it shall be necessary, in relation to the duties of their office.

Penalty for refusal.

Name.

Powers and privileges.

SECTION 3. The said directors shall forever hereafter, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relative to the poor of the county of Somerset; and shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title, of the directors of the poor and of the house of employment, for the county of Somerset; and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of five thousand dollars, and any goods and chattels whatsoever, of the gift, alienation, or bequest, of any person or persons whatsoever; to purchase, take and hold any lands and tenements within their county, in fee simple, or otherwise, and erect suitable buildings for the reception, use and accommodation of the poor of said county; to provide all things necessary for the lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond, with full and sufficient surety, for the faithful discharge of the duties of his office, and at the expiration thereof, for the payment and delivery over to his successor in office of all moneys, notes, bonds, book accounts, and other papers to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and said directors shall have power to employ,

Officers.

Duties.

and at pleasure remove, a steward or stewards, matron or matrons, physician or physicians, surgeon or surgeons, and all other attendants that may be necessary for the said poor respectively; to bind out apprentices, so that such apprenticeship may expire, if males, at or before the age of twenty-one; if females, at or before the age of eighteen years: *Provided*, That no child shall be bound out for a longer time than until he arrives to the age of eighteen years, unless he be bound out to a trade other than a farmer: *And provided*, In all cases the person to whom they are bound be required to give the child at least three months schooling in each year: *Provided also*, That no child shall be bound at a greater distance than thirty miles from the poor house; and the said directors shall exercise and enjoy all such other powers, not vested in the overseers of the poor, as are not herein granted or supplied; and the said directors are hereby empowered to use one common seal, in all business relating to the said corporation, and the same at their pleasure to alter and renew. Proviso.

SECTION 4. The said directors, as soon as may be after their election and organization as aforesaid, shall make an estimate of the probable expense of purchasing the lands and buildings, of erecting the necessary building or buildings, and furnishing the same, and maintaining the poor within the said county for one year; whereupon the county commissioners of the said county shall, and they are hereby authorized and required to increase the county tax by one-fourth part of the sum necessary for the purpose aforesaid; and shall procure on loan on credit of the taxes herein directed to be levied, the remaining three-fourths thereof, to be paid in instalments, with interest, out of the county taxes: *Provided, always*, That if such loan cannot be made, the whole amount of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall immediately be added to the county tax, to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary. Estimate of build-
ing
Tax.
Loan.
Proviso.

SECTION 5. It shall be the duty of the said directors, on or before the first day of November in each and every year, to furnish the commissioners of said county with an estimate of the probable expense of the poor and poor-house for one year; and it shall be the duty of said commissioners to assess, cause to be collected, the amount of said estimate, which shall be paid to said directors by the county treasurer, on warrants drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall, at least once in every year, render an account of all moneys by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations, as are by law directed respecting the accounts of the county commissioners; and shall at least once in every year lay before the court of quarter sessions and grand jury of said county, a list of the number, ages, and sex of the persons maintained and employed in said house of employment, or supported or assisted by them elsewhere, and of the children by them bound out to apprenticeship, as aforesaid, with the names of their masters or mistresses, and their trade, occupation or calling; and shall at all times when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of the said county, all their books and accounts, together with the rents, interest, and moneys payable and receivable by the said corporation; and also an account of all sales, purchases and donations, devises and bequests, as shall have been made by or to them. Estimate of ex-
pense for support-
ing poor house.
Accounts.
Quarter sessions.
Apprenticeship.
Visitors.

Admission of
poor.

SECTION 6. As soon as the buildings shall have been erected or purchased, and all necessary accommodation provided therein, notices shall be sent, signed by any two of the said directors to the overseers of the several townships of the said county of Somerset, requiring them forthwith to bring the poor of their respective townships to said house of employment, which order the overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases when by sickness, or any other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order, under his hand and seal to the said overseers, directing them to maintain such poor, until such time as he or she may be in a situation to be removed, and then to convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with the said order, and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors at a reasonable allowance.

Temporary relief.

Provision and
employment of
the poor.

SECTION 7. That said directors shall, from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Somerset, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to any constable of the said county of Somerset, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient to do so, to permit any poor person or persons to be maintained elsewhere: *Provided*, The expense of the maintenance does not, in any case, exceed that for which they could be maintained at the poor house of the said county of Somerset.

Out-door relief.
Proviso.

Quorum.

Rules.

Proviso.

SECTION 8. The said directors, or any two of them, who shall be a quorum in all cases to do business, shall have full power to make and ordain such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government, and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of all such persons as shall come under their cognizance: *Provided*, The same be not repugnant to this law, or any of the other laws of this state or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the court of common pleas, for the time being, of the county of Somerset, and shall have received the approbation of the same.

Monthly meet-
ings.

SECTION 9. A quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints and redress, or cause to be redressed all grievances that may happen, by the neglect or misconduct of any person or persons in their employment, or otherwise.

Pay.

SECTION 10. The said directors shall, each of them, receive for their services, annually, the sum of twenty dollars, to defray the expenses of their necessary attendance on the duties of their office.

Vacancy.

SECTION 11. In case of any vacancy by death, resignation or otherwise, of any of the said directors, the remaining directors shall fill such vacancy by the appointment of a citizen of their county, under the same penalty as is provided by the third section of this act, to serve until the

ext general election, when another director shall be elected to serve, as if no vacancy had happened.

SECTION 12. All claims and demands existing at the time of this act, **Claims.** being carried into effect, shall have full force and effect, as if this act had not passed; and when the same may have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in the several townships in the county of Somerset, shall pay over to the supervisors of the highways of their respective townships, to be by them applied towards repairing the roads therein.

SECTION 13. As soon as the poor of the county of Somerset shall **Overseers abolished.** have been removed to the house of employment of the said county, and the outstanding taxes collected and paid over, the office of overseer of the poor within the said county shall from thenceforth be abolished.

SECTION 14. The powers conferred, and the duties imposed on the **Certain powers overseers of the poor, in and by an act to empower the overseers and transferred to guardians of the poor of the several townships, within this common- supervisors.** wealth, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways, in the said county of Somerset; and that the justices of the peace and sheriff within the said county, are hereby required and enjoined to pay to the said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by the said act, for the payment thereof in other counties to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the said justice of the peace and sheriff, in the said county, shall be subject to all fines, penalties and forfeitures, to which the justices and sheriffs in other counties, by the said act, are subject or liable.

SECTION 15. The commissioners of said county are hereby autho- **Commissioners of rized and empowered to pay to the persons, who are appointed com- Somerset county.** missioners by the first section of this act, the expenses incurred by them in the performance of their duty; and also, to pay to each of the said directors a reasonable compensation for their services, during the term they are employed in erecting any building or buildings aforesaid: *Provided,* The same shall not include the annual sum allowed them by this act, exceed fifty dollars for any one year.

SECTION 16. So much of the laws of this commonwealth relating to **Repeal.** the poor, as are by this act altered or supplied, be and the same are hereby repealed, so far as they effect the county of Somerset.

SECTION 17. That the sheriff of the said county shall, in due time, **Notice of com- notify the said commissioners of their appointment, and when and missioners' ap- where they shall meet for entering upon the duties assigned them by pointment.** this act, which place of meeting shall be as near the centre of the county as possible.

SECTION 18. For the purpose of ascertaining the sense of the citizens of **Citizens to vote Somerset county, as to the expediency of erecting a poor house, it shall for or against a poor house.** be the duty of the inspectors, for the several townships and boroughs, at the next general election, to receive tickets, either written or printed, from the qualified voters thereof, labelled on the outside a "poor house," and in the inside "for a poor house" or "against a poor house;" and if it shall appear, upon casting up the votes in the different districts, at the court house, on the same day that other returns are made out, that a majority of those who voted are for a poor house, then the foregoing

Duty of sheriff.

York county directors of the poor.

Contested justices' election.

act to take effect ; but if a majority of votes are found to be against a poor house, the foregoing act be and the same is hereby null and void.

SECTION 19. And the sheriff of Somerset county shall cause to be published the eighteenth section of this act, in all the newspapers published in said county, at least six weeks previous to the next general election, the expenses of which is to be paid out of the county treasury.

SECTION 20. That the directors of the poor, in the county of York, are hereby forbidden to sell or dispose of any grain, meat, or other provisions of their own production or raising, to the almshouse and hospital of said county ; and if they, or either of them, shall violate the provisions of this section, by selling or furnishing to the said almshouse and hospital any grain, meat or other provisions, for the use of the said almshouse and hospital, they, or the one so offending, shall pay a penalty of one hundred dollars, to be recovered as debts of similar amount are now recovered.

SECTION 21. That in all cases where the election of justices of the peace shall be contested, the justices then in commission shall continue to exercise and discharge the duties of their respective offices, until their successors are duly commissioned and qualified.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 311.

AN ACT

Relating to dog tax in certain townships in Delaware county.

Treasurer of dog fund.

Orders for damages, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the whole amount of dog tax collected in the townships of Aston, Thornbury, Edgmont and Marple, in Delaware county, under existing laws, instead of being paid into the county treasury, as heretofore, shall be paid to the town clerk of the proper township, who is hereby constituted treasurer of the dog fund, and who shall give satisfactory security to the township auditors, if required, for the faithful performance of his trust ; and in case of his neglect or refusal so to give security, the auditors shall appoint a suitable person to fill said office until a successor be chosen.

SECTION 2. All orders for damage and destruction done to sheep by dogs in said townships, shall be drawn upon the said treasurer of the dog fund, who shall forthwith pay the same, if sufficient funds remain

in his hands for the purpose, to the person in whose favor such order is drawn; otherwise, as soon as sufficient funds shall accrue, the orders to take precedence according to the dates thereof, and be signed by at least two of the auditors.

SECTION 3. That if at the expiration of any fiscal year, there shall remain a balance in the hands of said treasurer, after paying all orders then due, it shall be the duty of said treasurer, upon the requisition of the township auditors, to pay over the said balance into the hands of the supervisors of the respective townships, and take their receipt for the same; and the said supervisors shall appropriate the said balance to the repairs of the public highways in said townships, and faithfully account for the same. Application of surplus.

SECTION 4. That in all cases where taxes are assessed and paid on dogs in the said townships, the said dogs shall be considered as personal property, and the owners thereof shall be entitled to all the rights and privileges in relation to the same, as in other cases of personal property. Dogs taxed, personal property.

SECTION 5. That all such portions of former laws as are inconsistent herewith, be and the same are hereby repealed, so far as relates to said townships. Repeal.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 312.

A N A C T

To incorporate the Schuylkill railroad company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Jacob S. Waln, Robert Earp, Thomas Haven, William Tams, James W. Sims, John W. Downing, John R. Wacherer, Henry Lelar, Thomas Sparks, John M'Canles, Charles Poulson, John Insley, William M. Evans, Joshua Bethel, Townsend Smith and Charles Robb, shall be and they are hereby appointed commissioners for the purposes hereinafter mentioned, that is to say: They, or a majority of them, after giving three weeks public notice in two or more newspapers published in the city of Philadelphia, of the time and place by them appointed for that purpose, shall procure, open and keep open, for at least four hours each day, for three successive days, a suitable book, and receive subscriptions therein from all persons duly qualified and desirous of taking stock in the company to be incorporated in pursuance Commissioners. Subscriptions.

Form of.	of this act; and the form of such subscription shall be as follows, viz : “ We whose names are hereunto subscribed, do severally promise to pay to the Schuylkill railroad company the sum of one hundred dollars for each and every share of stock set opposite to our respective names, at such times and in such instalments as the managers of said company may require.” And the said persons at the time of subscribing, or at such other time, within sixty days thereafter, as the commissioners may determine, shall pay to said commissioners an instalment of five dollars on each share of stock by them respectively subscribed; and when five hundred or more shares of said stock shall have been bona fide subscribed, and five dollars on each share paid thereon to the commissioners as aforesaid, the said commissioners, or a majority of them, shall certify the same to the governor, three of whom at least shall verify the statements contained in said certificate by their affidavit, before some alderman or justice of the peace; whereupon the governor shall, by
Instalments.	letters patent, under the seal of the commonwealth, create and constitute the subscribers, and those who may thereafter subscribe to the stock of said company, their successors and assigns, a body corporate and politic, by the name, style and title, of “The Schuylkill Railroad Company;” and by the said name, style and title, the said company shall have perpetual succession, and be able and capable in law to sue and be sued, plead and be impleaded, and to take, purchase, have, hold, possess and enjoy, sell, dispose of, grant and convey, lands, tenements, hereditaments, goods, chattels, effects, rights and credits; and to have a common seal, and the same to change, alter and renew at pleasure, together with all other proper incidents of a corporation necessary or convenient for carrying into effect the objects, powers and privileges hereinafter mentioned and conferred: <i>Provided</i> , That nothing herein contained shall be so construed as to confer any banking privileges whatever.
Letters patent.	
Name.	
Privileges.	
Seal.	
Restriction.	
First election of.	SECTION 2. The stockholders in said company, when incorporated as aforesaid, or as soon thereafter as may be convenient, shall meet at such time and place as shall be designated by a majority of the commissioners, of which at least two weeks previous public notice shall be given, in not less than two newspapers in the city of Philadelphia, and elect by ballot seven managers, to conduct and manage the affairs of said company until the first Tuesday in February following, and until others are elected in their stead; and on the said first Tuesday in February following, and annually thereafter, of which at least two weeks previous public notice shall in each case be given as aforesaid, the said stockholders, in such manner and at such places as may be determined by the by-laws of said company, shall elect seven managers to conduct and manage the affairs of the said company for the year ensuing; but if said election, from any cause, shall not take place when by this act it ought to have taken place, the said corporation shall not for that cause be dissolved, but the said election may be held at any time within forty days thereafter, upon previous notice to be given of the time and place as aforesaid; each share of stock shall entitle the holder thereof to one vote at any general meeting or election of said company; but no person shall vote by proxy, nor shall any one person be entitled to more than one-third of the whole number of votes to which the holders of all the shares in the capital stock of said company would be entitled. A majority of the directors shall form a quorum for the transaction of business; and at their first meeting after an election as aforesaid, they shall choose one of their number to be president, and may from time to time appoint such other officers and agents as in their opinion the business of said company may require, to fix their salaries, and require from any
Managers.	
Annual election.	
Eligibility of voters, &c.	
Quorum.	
Of president, officers, &c.	

in each of them such securities for the faithful performance of their respective duties as they may deem expedient; they shall have power and authority to make and establish such by-laws, rules and regulations, as to them may seem proper for the well ordering of the affairs of said company, not inconsistent with the laws of this state and of the United States; and may fill vacancies in their own body, or in the office of president. They shall cause books to be prepared, in which shall be recorded all the votes and proceedings of the stockholders and of their own body, and suitable books of account, in which shall be entered and fairly stated all the business transactions of said company. No person shall be eligible nor act as director, unless he shall hold in his own right, or in that of his wife, at least five shares in the stock of said company.

SECTION 3. The commissioners aforesaid shall pay over to the treasurer of said company, immediately after he shall have entered upon the duties of his office, or to such other person as the managers may direct, all the money received by them, or either of them, on account of the shares of stock in said company subscribed as aforesaid, first deducting therefrom the amount of such reasonable expenses as may have been incurred by them in the performance of the duties assigned them by this act; and the managers of said company shall call in and collect the amount subscribed by the stockholders, at such times, and in such instalments as they may deem expedient, and they may, from time to time, take and receive such additional subscriptions to the capital stock as may be thought advisable, payment thereof to be made as aforesaid; but the total amount of the capital stock of said company shall not, at any time, exceed one thousand shares of one hundred dollars each.

SECTION 4. The shares in the capital stock of said company shall be numbered from number one upward, in progressive order, and certificates in proper form, signed by the president and treasurer, shall be issued to the stockholders therefor for the shares by them respectively held, and the number attached to each share included therein shall be particularly set forth in every such certificate; said shares may be transferred by assignment on the books of the company, in person, or by power of attorney duly authorized, in the presence of the president or treasurer; and in every case of transfer, the former certificate shall be given up and cancelled, and a new certificate issued in its stead, in favor of the person to whom said shares had been transferred; but no share shall be transferred, on which any instalment called for by the managers, in pursuance of the authority herein granted remains due and unpaid, except by the consent of the board of managers first had and obtained, nor shall any share entitle the holder thereof to vote at any general meeting or election, on which any such instalment shall be due and unpaid, for the space of thirty days; and if any such instalment shall remain due and unpaid on any share or shares, for the space of ninety days after the same has been required to be paid, the managers shall have power, after giving thirty days public or private notice, in writing or in print of their intention so to do, to the person or persons in whose name the said share or shares may stand on the books of the company, to declare the said share or shares forfeited to the use of the company, or they may sue for, and recover to the use of said company the amount of all such remaining instalments, with interest, at the rate of six per cent. per annum, from the time the same became due and payable, together with costs of suit.

SECTION 5. The said company shall have power and authority, by themselves, their officers, engineers, agents or workmen, to make the

Route.	necessary surveys, and to construct, lay down, establish, and put in operation a suitable railroad, with single or double track, commencing at and connecting with the Philadelphia and Columbia railroad, at a point between the east side of Schuylkill Front street, (continued,) and the west side of Fairmount street, thence southwardly by the most convenient and practicable route, approaching as near to the Schuylkill river as the nature of the ground, the accommodation of trade and business, and other circumstances will reasonably admit, until it reaches South street, with the liberty of extension, if the stockholders approve.
Intersection.	from South street to the intersection of the Philadelphia, Wilmington and Baltimore railroad, at a point above Gray's ferry; also to make, or permit to be made, in connection with the said railroad, the necessary depots, and such turn-outs, branches or lateral railroads leading to and from the premises bordering on the said railroad, and to and from the wharves, warehouses and other buildings, on or along the eastern bank of said river Schuylkill, as may be necessary or convenient to accommodate the trade or business connected therewith; and for the
Branches.	purposes aforesaid, and for the well ordering, management, protection and control of said railroad depots, turn-outs, branches or lateral roads, and the transportation and travelling thereon, and for the collection of tolls, the said company, except as is herein otherwise provided, shall have all the rights, powers and privileges, and be subject to all the restrictions, provisions and penalties conferred and imposed upon the Northern Liberties and Penn Township railroad company, by the act incorporating said company, approved the twenty-third day of April, one thousand eight hundred and twenty-nine, and by any subsequent
Further powers, privileges and restrictions.	act or acts: <i>Provided</i> , That the manner and place of forming the connection with the Philadelphia and Columbia railroad as aforesaid, shall be approved by the canal commissioners, or by an engineer or superintendent by them appointed for that purpose, and the place and manner of connecting with the Philadelphia, Wilmington and Baltimore railroad, shall be approved by the managers, or by an engineer or superintendent of said company.
Pre-requisites to forming connections.	
Dividends.	SECTION 6. Dividends of so much of the profits of said Schuylkill railroad company, as shall appear advisable to the managers, shall be declared and paid to the stockholders, at least once in each year, in such manner as shall be provided by the by-laws of said company, but they shall in no case exceed the amount of the net profits actually made and acquired, after deducting all losses and expenses; and if the managers shall declare and pay any dividend, by which the capital stock of said company shall be impaired, they shall be jointly and severally liable for so much of said capital stock as may be thus impaired and divided, which shall be recoverable by any party aggrieved or injured, in an action for debt, as in other cases.
Limited.	
Liability.	
Reservation.	SECTION 7. The legislature shall have the right at any time to alter, amend or annul this act, or any part thereof, in such manner, however, as shall do no injustice to the corporators.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The fifteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 313.

AN ACT

declaring Beech creek, in Centre county, and Mullengarr, in Warren county, public highways.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That that part of Beech creek running from Jacob Gratz's saw mill, near where the turnpike road from Bellefonte to Karthause crosses the same, to its mouth, be and the same is hereby declared a public highway.

SECTION 2. That the Mullengarr creek, in the county of Warren, be and the same is hereby declared a public highway, from the junction of the same with the Brokenstraw as far up as the south line of lot number one hundred and fifty-seven.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 314.

AN ACT

To regulate the standard weight of Indian corn.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Bushel 56 lbs. from and after the passage of this act, the standard weight of rye and Indian corn in this commonwealth shall be fifty-six pounds, for each and every bushel thereof.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 315.

AN ACT

To extend the boundaries of the borough of Kittanning, in Armstrong county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, four acres of land now belonging to Robert Brown, senior, situate in Pine township, Armstrong county, bounded by the borough of Kittanning, in said county, the Olean road, other lands of the said Robert Brown, and lands of Michael Forney, be and the same is hereby attached to the said borough; and the persons now residing or that may hereafter reside on said land, shall enjoy all the privileges and be subject to all the laws relating to said borough.

Of sheep.

SECTION 2. The act, entitled "An Act to improve the breed of sheep in certain counties of this commonwealth," passed the twenty-ninth day of March, one thousand eight hundred and thirteen, is hereby extended to Armstrong county.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 316.

AN ACT

To incorporate the Good Will fire engine company, number one, of the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all and every the persons that shall, at the time of the passage of this act, be members of the association called the Good Will fire engine company, number one, in the city of Philadelphia, shall be and they are hereby erected and declared to be a body politic and corporate, by

Incorporated.

the name, style and title of the Good Will fire engine company, number one, and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded in all courts of record or elsewhere; and also the said corporation and their successors, at all times hereafter, be able to purchase, receive, have, hold, and enjoy to them and their successors, all and all manner of lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, goods and chattels of whatsoever nature, kind, or quality soever, real, personal or mixed, or choses in action, and the same from time to time sell, alien, grant, demise, and dispose of: *Provided*, That the clear yearly value or income of the said corporation *Income limited.* shall not exceed two thousand dollars; and also to make and have a common seal, and the same to break, alter and renew at pleasure; and *Seal.* also to ordain, establish and put in execution, such by-laws, ordinances *By-laws, &c.* and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering the affairs thereof.

SECTION 2. That nothing in this act contained shall be deemed to *Restrictions.* authorize the said company to engage, either directly or indirectly, in any banking, monied, or commercial or manufacturing concern, or to act in any other way than as a fire company.

SECTION 3. The legislature reserves the power to alter, revoke or *Legislative reser-* annul the privileges and charter hereby granted, whenever, in their *vation.* opinion, the same may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the corporators.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 317.

A N A C T

To annul the marriage contract of Thomas Stewart and Harriet, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into by Thomas Stewart and Harriet, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract as fully and effectually and absolutely as if they had never been joined in marriage: Provided, That nothing herein contained shall be construed to render illegitimate any child or children of said marriage.*

Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 318.

A N A C T

Relating to the constable of the borough of Somerset.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the high constable of the borough of Somerset shall and may execute all process, and do all acts which may lawfully be performed by township constables; provided he enter into a bond, to be approved in the same manner as the bond of township constables are approved.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 319.

AN ACT

incorporate the Temperance beneficial association of Germantown, Philadelphia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly* *and it is hereby enacted by the authority of the same,* That *Incorporation.* George Hergesheimer, John H. Bringham, Rees Taylor, Rittenhouse, Wiley, John Shaffer, Eli Morgan, and their successors, and all such other persons as now are or hereafter shall be admitted or become members of the association, are hereby incorporated and made a body politic in law and in deed, by the name, style and title of the *Name.* Temperance beneficial association of Germantown, in the county of Philadelphia; and by the same name they and their successors shall forever hereafter be able and capable in law to have, hold, receive, and enjoy *Privileges.* lands, tenements, rents, franchises, gifts, and bequests, of what nature ever, in fee simple or for term of life, years and otherwise; and also give, grant, let, sell, alien, or assign the same, according to the nature of the respective gifts, grants, or bequests made to them, the said society, and of their estates therein, to be employed and disposed of to do and benefit the members of the association, in such manner as shall hereafter specified, and the promotion of temperance: *Provided, Income limited.* That the amount of the clear yearly value or income of such real estate, and the interest of money by them lent, do not exceed the sum of two thousand dollars.

SECTION 2. That the said society shall be forever hereafter able and capable in law to sue and be sued, plead and be impleaded, in all law suits and things, and obtain and sustain all legal judgments, executions, and decrees incidental to the same, and enjoy all such privileges, gifts, powers, and franchises, as other corporations of the like kind in this commonwealth enjoy. *Franchises.*

SECTION 3. That the said society shall have power to use a common Seal, and the same to change, alter or amend at pleasure.

SECTION 4. That for the well governing of the said association, and *Officers.* ordering and managing their affairs, they shall choose from among themselves by ballot, on the third Friday in January annually, a president, vice president, treasurer, secretary, three trustees, a door-keeper, and such other officers as they may deem necessary or useful: *Provided, Proviso.* That persons now in office in said association shall be continued until the first annual election for officers, as provided for in the fourth section of this act.

SECTION 5. All vacancies that may occur in any elective office, shall *Vacancies.* be filled by ballot at any succeeding meeting after such vacancy shall occur.

SECTION 6. Nine members shall form a quorum for the transaction *Quorum.* of business; and this association shall not be dissolved while nine members are willing to continue it.

SECTION 7. Any member who shall be known to make, purchase, *Delinquents.* sell, or drink any vinous or intoxicating liquors as a beverage, or be guilty of gambling, or any other immoral conduct whereby this associa-

tion shall be injured, or impose upon the association, he shall be required to appear before the association, and if found guilty, or if he shall refuse to appear, he shall be expelled, and forfeit all claims upon and to the association.

By-laws, &c.

Proviso.

Proviso.

SECTION 8. That the said association shall from time to time establish and make and put into execution such by-laws, rules, and regulations as may be passed from time to time by the association, or the same may be revoked, annul, alter, or amend at pleasure: *Provided*, That the said rules, regulations, and by-laws be not repugnant to the constitution and laws of the United States or of the commonwealth of Pennsylvania, and not repugnant to any of the provisions of this act: *Provided*, That it shall be lawful for the legislature at any time to amend or repeal any of the foregoing provisions, and to rescind the powers hereby granted.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 320.

A FURTHER SUPPLEMENT

To the act incorporating the Bank of North America.

Capital stock restored, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the capital stock of the Bank of North America be made and is hereby restored to one million of dollars, and the par value of the shares thereof to four hundred dollars.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 321.

AN ACT

to vest the title of certain real estate in James Patterson, jr., of Mountjoy, Lancaster county.

WHEREAS, It is represented that James Patterson, jr., of Mountjoy, Lancaster county, by his deed, dated August sixth, Anno Domini, one thousand eight hundred and five, recorded in the recorder's office, in the city of Lancaster, in book S, volume three, page two hundred and twenty-three, granted and conveyed a lot of ground in said county unto Samuel Patterson, senior, Arthur Patterson, James Patterson, senior, Alexander Patterson, and William Sterrett, in trust, or to the end that the said grantor and grantees, and their successors, might enjoy the use of said lot, and log house thereon erected, for public worship: *And whereas*, it appears that the said log house is no longer used or required for public worship, other houses having been erected more convenient and commodious, and is rapidly going to waste and decay: *And whereas*, The said grantees, or the survivors of them, and all parties interested in said lot and log house are anxious that the grantor should repossess the same, he having received but a nominal price for the said house and lot; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the house and lot described above shall vest in James Patterson, junior, as fully and effectually, as if the same had never been granted or conveyed by the said James Patterson, junior.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 322.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the Lenox and Harmony turnpike road company, and for other purposes," passed the eleventh day of April, one thousand eight hundred and thirty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for finishing the Lenox and Harmony turnpike road, provided for in said act, be extended until the eleventh day of April, one thousand eight hundred and fifty-five.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 323.

AN ACT

Restoring to citizenship Zephania Barber, of Luzerne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, Zephania Barber of Luzerne county, be and is hereby restored to all the rights and privileges of citizenship, in the same manner and form as if he had never been convicted of any criminal offence.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, A. D., one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No 324.

AN ACT

Authorizing the commissioners of Cumberland county to borrow money, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Loan. the commissioners of the county of Cumberland, are hereby authorized to borrow, on the credit of said county, such amount of money, (not exceeding fifty thousand dollars,) as they shall deem necessary for the erection of a court house and public offices, in lieu of those lately destroyed by fire.

SECTION 2. That the commissioners of said county shall have full County buildings power and authority to contract for the building of the said court house and public offices, at such time, and in such place upon the public square, in the borough of Carlisle, on which the former buildings stood, as they shall deem right and proper, and most consistent with the interest of the people of said county.

SECTION 3. That the county board of Philadelphia county, are hereby County board of authorized to direct the county commissioners of the said county to Philadelphia co., borrow, on the credit of the said county, a sum not exceeding fifty thousand dollars, for a period of six months, in anticipation of the revenue may borrow money. of one thousand eight hundred and forty-five.

SECTION 4. The commissioners of Philadelphia county are hereby Employ additional authorized, by and with the advice and consent of the county board of tional clerks. said county, to employ two additional clerks in their office, at a salary not exceeding seven hundred dollars per annum each.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 325.

A N A C T

To incorporate the Kensington fire company, number one, in the county of Philadelphia.

Incorporation.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,</i> That all and every the persons that shall, at the time of passing this act,
Name.	members of the association called the Kensington fire company, number one, in the district of Kensington, in the county of Philadelphia, shall be and they are hereby erected and declared to be one body politic or corporate, by the name, style and title of the Kensington fire company, number one, and by the same name shall have perpetual succession,
Privileges.	and shall be able to sue and be sued, implead and be impleaded in the courts of record or elsewhere; and also the said corporation, and their successors at all times hereafter, be able to purchase, receive, hold, and enjoy to them and their successors, all and all manner lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, goods and chattels of whatsoever nature, kind or quality, real, personal or mixed, or choses in action, and the same from time to time
Income limited.	sell, alien, grant, demise and dispose of: <i>Provided,</i> That the yearly value or income of the said corporation shall not exceed two thousand dollars; and also to make and have a common seal, and the same to break and renew at pleasure; and also to ordain, establish, or put in execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter or the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation, and the due management and ordering of the affairs thereof.
Seal.	
By-laws, &c.	
Restrictions.	SECTION 2. Nothing in this act contained shall be deemed to authorize the said company to engage, either directly or indirectly, in any banking, monied, commercial or manufacturing concern, or to act in any other way than as a fire company.
Legislative reservation.	SECTION 3. The legislature reserves the power to alter, revoke or annul the privileges and charter hereby granted, whenever, in their opinion, the same may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the incorporators.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
 JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 326.

AN ACT

To authorize Martha Ann Ogle to sell and convey certain real estate.

WHEREAS, John Towers, late of the county of Philadelphia, deceased, in and by his last will and testament, devised and bequeathed five-sixths parts of his estate unto his daughter, Martha Ann Ogle, to have and to hold the same during her natural life, and at her decease to be equally divided between her children then living, and their heirs and assigns forever, share and share alike; but should any of the children die after attaining to lawful age, leaving lawful issue, then and in that case the portion of the estate, which would have belonged to such child or children, had they lived, shall go and belong to their, his or her said lawful issue, share and share alike: *And whereas*, The said Martha Ann Ogle has since purchased the other one-sixth part of the said real estate: *And whereas*, It is represented that it would be to her interest, and that of her children, that the said real estate should be sold, but no power to sell is contained in the said will; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Authority to sell. the said Martha Ann Ogle, with the approbation of her children, testified by their joining in the conveyance, be and she is hereby authorized and empowered to sell, at public or private sale, for cash or on credit, or both, all or any part of the said real estate, situate within the state of Pennsylvania, and to convey the same, in fee simple or otherwise, to the purchaser or purchasers in whom the title shall be as fully vested, as if any parties, who may become entitled under the said will, had joined in the conveyance; and the same shall be taken, discharged from all trusts under the said will, and without liability, as to the application of the purchase money: *Provided always*, That the said Martha Ann Ogle shall hold moneys or securities arising from the said sale, for the same uses for which the real estate is now held: *And provided also*, That the said Martha Ann Ogle, before making sale of the said real estate, shall enter into bond or recognizance, in such sum, and with such security. security as the orphans' court of Philadelphia county shall direct, for the faithful execution of the power hereby given, and for the proper application of the proceeds of the sale or sales hereby authorized.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 327.

AN ACT

To lay out a state road from the Somerset and Mount Pleasant turnpike road, on the top of Chesnut Ridge, in Fayette county, to intersect the Somerset and Cumberland turnpike road at or near Gibler's farm, in Somerset county, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That

Commissioners. Samuel Miller of Summit township, and Michael Freese of Milton, Somerset county, and Abraham Gallantine of Fayette county, be and they are hereby appointed commissioners to view and lay out a state road from the Somerset and Mount Pleasant turnpike road, at or near where the old county line road intersects the aforesaid turnpike on the top of Chesnut Ridge, east of Southerwood's tavern, in Fayette county, to intersect the Somerset and Cumberland turnpike road at or near Gibler's farm, now owned by Peter Wingard's heirs, in Somerset county.

Oath. **SECTION 2.** That it shall be the duty of said commissioners, respectively, after taking and subscribing an oath or affirmation before a justice of the peace, to perform the duties enjoined on them by said act with impartiality and fidelity, to carefully view the ground over which said road may pass, and to lay out the same as near to a straight line between aforesaid points, as the nature of the ground and other important circumstances will permit, so that the vertical departure from a horizontal line shall at no point exceed five degrees, except only at crossing ravines and streams, when by a moderate excavation, filling, or bridging, the declination of said road may be preserved within that limit.

Mark route. **SECTION 3.** That it shall be the duty of said commissioners, respectively, plainly and distinctly to mark the ground on the route agreed upon for the road aforesaid, of the width of thirty-three feet, in such manner as to enable the supervisors readily to find the same; for the purpose of fulfilling the duties in this act enjoined, the commissioners, respectively, are hereby authorized to employ one surveyor, at a per diem allowance not exceeding two dollars, and one target man, two chain carriers, and one axeman, at a per diem allowance not exceeding one dollar each; and the said commissioners, respectively, shall receive a per diem allowance of one dollar and fifty cents, for each and every day necessarily spent in discharge of the duties enjoined by this act, to be paid in manner and form as hereinafter directed.

Vacation of old, and connections with new road. **SECTION 4.** Said commissioners shall have authority to vacate so much of any road as may be supplied by the new one, if it should appear expedient so to do; and in case access to any branch or lateral road may be obstructed by vacating any part of roads so supplied, it shall be the duty of said commissioners to connect all such lateral or cross roads with the main line of road laid out by them.

Drafts. **SECTION 5.** That it shall be the duty of said commissioners to make out fair and accurate drafts of the location of said road, noting thereon the courses and distances as they occur, the improvements passing through, and also the crossing of township lines, roads and water, with

uch other matters as may serve for explanation, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the twentieth day of January next, and one copy in the office of the clerk of the court of quarter sessions in said county, on or before the said twentieth day of January next, which shall be a record thereof; and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened and repaired in all respects as roads are opened and repaired which are laid out by order of the court of quarter sessions aforesaid.

SECTION 6. That the account of said commissioners for their own Accounts, how pay and pay of surveyors, chain carriers, target men and axeman, shall paid. be made out and returned to the commissioners of said county in which the road is located, and that they be paid out of the treasury of the county on a warrant drawn in the usual way, in proportion to the distance of said road in each county.

SECTION 7. That the said commissioners shall meet at the house of Meeting. Southerwood's tavern, in Fayette county, on or before the first Monday in October next, or as soon thereafter as practicable, and complete the location as soon as possible; and if any vacancy shall happen by resig- Vacancies. nation or otherwise in said commissioners, the court of quarter sessions of the county of Mercer shall fill said vacancy by the appointment of suitable persons, who shall perform said duty.

SECTION 8. That so much of the act, entitled "An Act declaring the Certain law ex- streets in the town of Mifflinburg, in Columbia county, public high- tended to Cone- ways, and relating to Duquesne-way Pittsburg gas works, and for other wago township, purposes," passed the twenty-first day of March, one thousand eight York county. hundred and thirty-six, as relates to the public roads or highways in Newbury township, York county, be and is hereby extended to the township of Conewago, in said county.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 328.

AN ACT

To annul the marriage contract of Salmon Bartlett, and Phebe Jane R., his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Salmon Bartlett, and Phebe Jane R., his wife, late Phebe Jane R. Matherson, he and the same is hereby annulled and made void, and the parties released and discharged from the said contract and from all duties and obligations arising therefrom, as fully, effectually, and absolutely as if they never had been joined in marriage.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 329.

A SUPPLEMENT

To an act, passed the sixth of April, one thousand eight hundred and thirty, entitled "A supplement to an act, entitled 'An Act for taking lands in execution for the payment of debts,'" passed in one thousand seven hundred and five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions contained in the first section of the act, to which this is a supplement, shall extend, and shall always be deemed and taken to extend to all cases of sales made by virtue or authority of any writ of execution.

Original act extended.

Of liens in certain cases.

Revival of.

SECTION 2. No debt, charge or assessment, for work hereafter done, or materials furnished by or under the authority of the board of health, or any municipal corporation, shall be a lien on real estate for more than six months from the time of doing such work, unless a claim for the same shall be filed in the office of the prothonotary of the proper court within that time, nor shall the same continue a lien longer than five years from the time of filing the claim, unless revived by scire facias,

in the manner provided by law in the case of mechanics' claims; and no lien for such debts, charges, or assessments now existing, shall continue longer than six months from the first day of April, in this year, unless a claim for the same be filed as aforesaid within that time, in which case it shall continue, and may be revived in the same manner as in the cases above provided for.

SECTION 3. No tax shall continue a lien upon real estate, in the city **Registry.** and county of Philadelphia, longer than until the first day of July, in the year immediately succeeding that in which such tax is due and payable, unless the same shall have been registered before that time in the office of the county commissioners of the said county, in a separate book to be kept for that purpose; and if so registered, the lien shall **Limitation.** continue for five years from the first day of January, in the year next succeeding that in which such tax was due, and no longer, unless a claim for the same shall be filed in the office of the prothonotary of the proper court, within the said term of five years, and if so filed, the lien shall continue for the same period, and may be revived in the same **Revival.** manner as is provided by law, in the case of mechanics' claims; and no liens for any tax, now existing in the said city or county, shall continue **Tax lien.** longer than six months from the first of July, in this year, unless the same be registered in the office of the county commissioners before the expiration of that time, in which case it shall continue, and may be revived in the same manner as above provided for: *Provided,* That **Proviso.** nothing herein contained, shall in any way affect the lien of taxes assessed for the use of the commonwealth.

SECTION 4. The lien of a mortgage upon any real estate, situate in **Mortgage liens.** the city or county of Philadelphia, shall not be destroyed, or in any way affected by any sale of the mortgaged premises under a subsequent judgment, (other than one entered upon a claim, which was a lien on the premises prior to the recording of such mortgage,) by reason of the prior lien of any tax, charge or assessment whatsoever, but the same shall continue as if such prior lien did not exist, where, by existing laws, the lien of such mortgage would otherwise continue: *Provided,* **Proviso.** That the continuance of the lien of such mortgage shall not prevent the discharge of such prior liens for taxes, charges or assessments, by such sale, or the satisfaction thereof, out of the proceeds of such sale.

SECTION 5. The entering of any judgment for the same debt, secured **Mortgage liens.** by any mortgage, shall not cause a sheriff's sale of the mortgaged premises to destroy, or in any way affect the lien of such mortgage, nor shall the plaintiff, in such judgment, be entitled to any part of the proceeds of such sale: *Provided always,* That such sale has not been made under or by virtue of such judgment.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 330.

AN ACT

To authorize the governor to incorporate a company for improving the navigation
Muddy creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Andrew Clarkson, C. M. Collins, W. C. Shay, Thomas Murphy, Robert Bartle, David Wilson, and J. R. Donnell, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They shall, on or before the first of August next, procure a sufficient number of books, which shall be opened at some place or places in the townships of Peachbottom and Lower Chanceford, in the county of York, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Muddy Creek navigation company, the sum of twenty-five dollars for every share of stock in said company set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of said company, in pursuance of an act of the general assembly of this commonwealth, entitled 'An Act to authorize the governor to incorporate a company for improving the navigation of the Muddy creek.' Witness our hands this day of 1888

Books opened. and shall thereupon give notice in at least one newspaper printed in the county of York, for one calendar month at least, of the times and places when and where the said books shall be kept open to receive subscriptions for the stock of said company; at which respective times and places at least one of the commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer to subscribe in said books in their own names, or in the name or names of any other person or persons who shall authorize the same, for any number of shares in the said stock; and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every juridical day, for the space of ten days, or until there shall be subscribed in said books a sufficient number of shares to complete said work; and if at the expiration of ten days, the books aforesaid shall not have the number of eighteen hundred shares therein subscribed, the said commissioners may adjourn from time to time, and transfer the books elsewhere, until the eighteen hundred shares aforesaid shall be subscribed: *Provided, always, That*

Form of subscription. every person offering to subscribe in the said books in his own or any other name, shall previously pay the attending commissioner, the sum of two dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

Subscriptions.

proviso.

SECTION 2. That when twenty persons or more shall have subscribed nine hundred shares or more of said stock, the commissioners may, or when the whole number of shares aforesaid shall be sub-

scribed, the commissioners or a majority of them shall certify to the governor, under their hands and seals, the names of the subscribers and the number of shares subscribed by each; whereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of this commonwealth, to create and erect the subscribers, and if the subscription be not full at the time, then also those who shall thereafter subscribe to the number of shares aforesaid, into one body politic and corporate, in deed and in law, by the name, style and title of the "President, managers, and company of the Muddy Creek navigation company;" and by the same name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be necessary to fulfil the intention of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Letters patent.

Name.

Privileges.

SECTION 3. That the five persons first named, or a majority of them, shall, as soon as conveniently may be after the said letters patent shall have been obtained, give at least twenty days notice in one or more of the public newspapers hereinbefore mentioned, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose, by a majority of votes of the said subscribers by ballot, to be delivered in person or by proxy, duly authorized, which proxy shall have been obtained and bear date within twelve months previously to the election at which such proxy shall be presented, one president and ten managers, a treasurer and secretary, and such other officers as shall be deemed necessary to conduct the business of the said company for one year, and until like officers shall be chosen; who may make such by-laws, rules, orders and regulations, as do not contravene the constitution and laws of the United States or of this state, and may be necessary for the well governing the affairs of the company.

Organization.

Proxies.

Officers.

By-laws.

SECTION 4. That a public meeting of the stockholders shall be held on the second Monday of September in every year, at such place and upon such notice as shall be fixed by the rules and orders of the said company, for the purpose of choosing officers for the ensuing year, and for the determination of any questions affecting the interest of the company.

Annual meetings.

SECTION 5. That the president, managers and company aforesaid, shall have power to open a complete canal and slackwater navigation on the aforesaid Muddy creek, by erecting dams to raise the water of said creek, and to take the water on either side out of said creek by means of a wing dam, canal, lock, or other device, to any place or places which to them may seem most suitable and conducive to the object of the proposed navigation of said creek; and the said president, managers and company shall have power to erect locks, slopes, or sluices, at any of the mill dams now built, and remove the rocks or natural obstructions out of said creek, so that rafts, boats, arks, and other vessels can pass with safety.

Powers.

SECTION 6. The president, managers and company aforesaid, shall possess like powers, privileges, and authorities, and be subject to the same penalties, provisions, and restrictions, as are granted to and imposed upon the president, managers and company of the Neshaming

Made subject to a certain act.

Notices.

Restrictions.

Revocation.

lock navigation, and shall be entitled to receive such tolls as may be agreed upon by said company: *Provided*, That any notice required to be given, shall be deemed sufficient if given in one or more of the newspapers printed in the county of York: *Provided, also*, That nothing in this act contained shall authorize said company to injure or impair any mill dam, or dams, erected on said creek prior to the time the same was declared a public highway.

SECTION 7. That if it shall at any time appear that the charter and privileges granted in pursuance of this act are injurious to any of the citizens of this commonwealth, the legislature shall have full power to revoke and annul the same at any time they may think proper.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 331.

AN ACT

Authorizing the sale of certain lands in Carbon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the county of Carbon, be and they are hereby authorized and empowered to order the treasurer of said county, to sell such tracts of lands lying within the boundaries of said county, as have had two years' taxes due and unpaid thereon, on the first day of July, Anno Domini, one thousand eight hundred and forty-four, and remain unsold at present, and in arrears for taxes as aforesaid: *Provided*, Such lands be sold for taxes actually due and unpaid on the first day of July, one thousand eight hundred and forty-four, and not taxes that have occurred since that date: *Provided also*, That the said sale shall be advertised, and in all respects conducted in the same manner, and have the same legal force and effect, as if regularly made under the acts of assembly now in force.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 332.

A FURTHER SUPPLEMENT

To "An Act to incorporate the North Branch canal company," passed July twenty-second, one thousand eight hundred and forty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time within which the commissioners named in the act, to which this is a supplement, may re-open the books and receive subscriptions for stock in said company, shall be extended to the first day of January, Anno Domini, one thousand eight hundred and forty-six; and the time for commencing the work thereon to the first day of May, Anno Domini, one thousand eight hundred and forty-seven; and the time for completing the same to the first of May, eighteen hundred and fifty-seven.

Time for opening books, commencement and completion extended.

SECTION 2. That whenever the said "North Branch canal company" shall have completed their works, and opened the same to the borough of Athens, in the county of Bradford, they shall be deemed to possess the exclusive right to construct an artificial water communication in the valley of the North Branch of the Susquehanna, nor shall any other company, or body corporate, be authorized to construct a railway along said valley, parallel with the line of canal authorized in the act to which this is a supplement; and the said company shall be authorized and required to construct a canal, slackwater navigation or railway, up the Lackawanna river, as far as the bridge near the old forge, and have the same completed within two years after the said North Branch canal shall be made navigable, upon which canal, slackwater navigation or railway, so as aforesaid to be made up the Lackawanna river, no higher rates of toll shall be charged, than is charged and established by said company upon the main line of their canal.

To construct certain works, &c.

Rates of toll.

SECTION 3. That it shall be lawful for the president and managers of said company, from time to time, to borrow such sums of money, and on such terms as they shall deem expedient for the use of said company, and to issue certificates of loan therefor, in amounts not less than five hundred dollars each, and to pledge and mortgage all or any part of the estates, tolls, improvements, privileges, effects, and assets whatsoever of said company: *Provided,* That the money so borrowed, shall not at any time exceed the sum of two hundred and fifty thousand dollars, and the bonds issued for the same shall not be sold by said company for less than their par value: *Provided,* That five hundred thousand dollars of the capital stock of said company shall be first paid in, before the provisions of this section, authorizing said company to borrow money, shall be in force: *And provided further,* That no bonds or other evidences of indebtedness shall be issued by said company, except for money borrowed by virtue of this section, and no contract shall be made by said company, for work to be done or materials furnished for the completion of the canal, payable otherwise than in cash.

Borrow money.

Proviso.

Not to exceed \$250,000.

Proviso.

Materials, &c.

SECTION 4. The said company shall furnish to the legislature, on the first Monday of February, in each and every year, an abstract of the annual state-

counts of the company, shewing the whole amount of their capital actually paid in, the amount of money borrowed, the amount of transportation and the amount of tolls received, and the amount paid for repairs, collection and supervision in each year, which abstract shall be verified by oath or affirmation of the president of the company, for the time being.

Tolls to be charged.

SECTION 5. That the rates of toll to be authorized be charged and received by the said company, shall at no time, without the approbation of the legislature, be less than are now or may hereafter be charged on the Pennsylvania canal.

Inspection of books by legislature.

SECTION 6. That it shall at all times be lawful for a committee of the legislature, or either branch thereof, appointed for that purpose, to inspect the books and examine into the proceedings of the corporation hereby created, and to report whether the provisions of their charter have been by the same abused and violated; and if the officers of said corporation should refuse to be sworn or affirmed to give evidence, or to produce all such of their books or papers as may be demanded before any such committee, the legislature may, by law, declare the said charter void and repeal the same; and whenever any committee

Governor.

as aforesaid shall find and report, or the governor shall have reason to believe that the charter has been violated, it may be lawful for the legislature to direct, or the governor to order, a scire facias to be issued out of the supreme court of this commonwealth, which shall be executed on the president of the corporation for the time being, at least ten days before the commencement of the term of the said court, calling on the said corporation to show cause wherefore the charter hereby granted shall not be declared forfeited; and it shall be lawful for the said court, upon the return of the said scire facias, to examine into the truth of the said violations, and if such violations be made to appear, then to adjudge that the said charter is forfeited; and thereupon, and in case the legislature shall declare the said charter void, and repeal the same for the cause aforesaid, the canal aforesaid, with the appurtenances, and the estate, real and personal, of the said corporation, shall revert to and

Property vested in commonwealth

revert in the commonwealth, upon the payment by the commonwealth to the stockholders of the money actually expended in the completion of said canal; and until the commonwealth shall have made such payment to the managers of the said company, to be by them distributed among the stockholders, the rights, privileges, and franchises of the said corporation, shall remain as though said judgment or forfeiture had not been declared or pronounced: *Provided*, That every issue of fact which may be joined between the commonwealth and the corporation in said proceeding, shall be tried by a jury, summoned by an officer to be named by the court from the body of the state, and it shall be lawful for the court aforesaid, to require and compel the production of such of the books and papers of the corporation on such trial, as it may deem necessary for the ascertainment of the controverted facts; and the final judgment of the court shall be subject to all the usages of law as in other cases.

Proviso.

Managers.

SECTION 7. That of the thirteen managers of said "North Branch canal company," provided for in the act to which this is a supplement not less than eight shall be citizens of this commonwealth.

Repeal.

SECTION 8. That the fourth section of the supplement to the act to which this is a further supplement, passed the fourteenth day of April, Anno Domini, one thousand eight hundred and forty-three, and so much of any other provisions in said act, and the supplements thereto, as are inconsistent with the provisions of this act, be and the same is hereby repealed.

SECTION 9. That Robert A. Parrish of the city of Philadelphia, and Additional commissioner W. Sturdevant of Luzerne county, be and they are hereby added to the number of commissioners named in the act, to which this is a supplement.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 333.

AN ACT

Vacating part of Old Masters' street or Masters' lane, in Penn township, in the county of Philadelphia, and for other purposes.

WHEREAS, It is represented to the legislature that William Masters, formerly of the county of Philadelphia, deceased, being in his lifetime seized and possessed of a large tract of land in the said county, laid out through a portion of the same a road or lane of the width of fifty feet, called Masters' lane, which road or lane by long usage is presumed to have become a public highway; and that in consequence of the laying out and opening of other streets agreeably to law, the westernmost part of the said road or lane is not only rendered useless, but its continuance would tend to retard or prevent substantial improvement; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said road or lane as the same is now laid out, opened and used from the east line of Tenth street to the east line of Broad street, in Penn township, in the county aforesaid, be and the same is hereby vacated; and that the title to the soil over which the same passes, be and the same is hereby vested in fee simple in the several owners of the ground adjoining and fronting upon the same respectively, each owner to have and to take one-half part thereof, so far as his respective lot adjoins and fronts upon the same road or lane: *Provided, nevertheless,* That the said road or lane shall not be closed until the following streets shall have been laid out and opened by the owners of the ground through which the said streets pass, free from cost to the county, viz: Jefferson street, from Tenth to Broad streets; Eleventh street, from Jefferson to Camac streets; and Tenth street, from Old Masters' street to Jefferson street.

SECTION 2. That the provisions of the act of the third of February, one thousand eight hundred and twenty-four, entitled "An Act relating to taxes on certain real estate in the city and county of Philadelphia," are hereby extended to state taxes on real estate in the said city and county.

Preamble.

Vacated.

Proviso.

Act of February 3, 1824, extended to state taxes in city and county of Philadelphia

County treasurer Philadelphia co., powers and duties. **SECTION 3.** That the treasurer of the county of Philadelphia, before and after the passage of this act, shall have full power and authority to enforce the payment of taxes now registered, or that may hereafter be registered in the office of the county commissioners of the said county, under the provisions of any act of assembly; and for that purpose employ counsel, and take such other measures as may be necessary—

Commissioners. counsel to be entitled to a commission of five per cent. on all moneys collected by him, in full compensation for his services in collecting the same.

Suits for unpaid taxes. **SECTION 4.** That for the purpose of carrying the provisions of this act into effect, the said treasurer shall have power to bring suit in the next term of the county of Philadelphia, before any alderman, justice of the peace or court of competent jurisdiction, against the person or persons who have returned and registered in the register of unpaid taxes on real estate, according to the provisions of the said act of February, one thousand eight hundred and twenty-four, and shall, upon producing before any alderman, justice or court, a certificate, such as is provided for by the fifth section of said act, obtain judgment in favor of the county for the amount of taxes due, together with interest thereon, according to the provisions of the said act, unless the defendant or defendants shall prove that the amount claimed has been paid or satisfied, wholly or in part, in which case judgment shall be entered for the defendant or defendants, or for the county, for such parts as shall remain due, where judgment shall have the same effect, to all intents and purposes, as judgments in other cases.

When sheriff returns "nihil." **SECTION 5.** In all such actions, if the constable, sheriff, or other officer, to whom any writ of summons, or other original writ is directed, shall return "nihil" endorsed thereon, it shall and may be lawful for the said county treasurer to sue out an alias writ, and then upon, if the said constable, sheriff, or other officer, shall make return of the said alias writ, with "nihil" endorsed thereon, the said return of two "nihilas" shall be in all respects equivalent to actual service of the same, as is now the practice in cases of scire facias on judgments and mortgages: *Provided however,* That it shall be the duty of the said constable, sheriff, or other officer, to give notice of the said alias writ, by serving a copy thereof on the tenant in possession of the premises described in the said register, if any, or if there be no such tenant, by posting a copy of the same in some conspicuous part of the premises, at least ten days previous to the return thereof, and also by publication in one or more newspapers of the city of Philadelphia, which publication shall recite the amount of tax claimed, and the description of the real estate as set forth in said registry.

Notice.

Treasurer's accounts. **SECTION 6.** The said treasurer shall keep in his books an account or accounts with the treasurer of the city of Philadelphia, and each of the incorporated districts of the county of Philadelphia, and treasurer of the guardians and directors of the poor, and supervisors of the roads of the respective districts and townships in said county, in which he shall credit their treasurer or supervisors of roads, respectively, with the amount of taxes due to the said city, district, and township, and guardians or directors of the poor, and supervisors, respectively; and when collected as aforesaid, shall pay over to said treasurers or supervisors the sums so collected, and if the whole amount received for taxes upon any one property shall not be equal to the whole amount of taxes due thereon, the same shall be apportioned to the state, county, city, districts, guardians and directors of the poor, and supervisors, in proportion to the amount of taxes due them respectively.

Apportionment and equalization of taxes.

SECTION 7. That the county commissioners of the county of Philadelphia, be and they are hereby authorized to advertise and sell at public sale or out cry to the highest and best bidder, all those two adjoining lots or pieces of ground, situate on the west side of Delaware seventh streets in Penn township, one of them beginning at the distance of one hundred and fifty feet northward from the north line of Poplar lane, containing in front on Seventh street fifty feet, and extending in length or depth on the north side three hundred and eight feet, and on the south side three hundred and fifty-five feet eight inches; the other, being at the distance of two hundred feet from said Poplar lane, containing in front fifty feet, and in length or depth on the north side two hundred and sixty-one feet nine inches, and on the south side thereof three hundred and eight feet, bounded as in the indenture of said James S. Huber, dated the nineteenth March, one thousand eight hundred and twenty-seven, and recorded in the office of the recorder of deeds, &c., for the city and county of Philadelphia, in deed book GWR, number seventeen, page twenty-eight, is fully set forth, and to convey the same, in fee simple or otherwise, to the purchaser or purchasers thereof, the net proceeds of said sale to be paid into the public treasury of the said county of Philadelphia.

County commissioners of Philadelphia county, authorized to sell certain lots.

SECTION 8. That the annual appropriation from the county of Philadelphia to the agricultural society of said county, be and the same is hereby extended for the term of five years from and after the passage of this act: *Provided*, That said appropriation shall not exceed the sum of six hundred dollars annually.

Of Philadelphia county appropriation to agricultural society.

SECTION 9. That Ephraim Inskip, Isaac Thomas, and John Jackson, trustees under the will of Jacob Jackson, late of Delaware county, deceased, of the real estate devised therein to Isaac L. Jackson, a minor child of said decedent, and Edward Garrett, guardian of the persons and estates of John H. Jackson and Ephraim J. Jackson, also minor children of the said decedent, be and they are hereby authorized to sell at public sale, as to them shall seem expedient, all the estate and interest held by them in trust for the said Isaac L. Jackson, and also all the estate and interest of said minor children of John H. Jackson and Ephraim J. Jackson, in a messuage and lot, situate on the south side of Sansom street, at the distance of one hundred and twenty-six feet eastward from Delaware Eighth street, in the city of Philadelphia, and convey the same to the purchaser or purchasers thereof: *Provided*, That before the execution of the deed or deeds for the premises, the said trustees and guardians shall give bonds, with such security as the orphans' court for the city and county of Philadelphia shall approve, conditioned for the faithful application and distribution of the proceeds of the sale, agreeably to the provisions of the will of the said decedent.

Trustees under will of Jacob Jackson, authorized to sell estate, &c.

SECTION 10. That the third joint resolution, approved the eighth day of March, Anno Domini, one thousand eight hundred and forty-five, entitled "A Resolution relating to turnpike stock purchased by S. Meylert, and for other purposes," be and the same is hereby repealed.

Repeal.

S. Meylert.

SECTION 11. That the commissioners of the county of Philadelphia be, and they are hereby authorized and directed to cause Susquehanna avenue, the boundary line between North and South Penn township, in said county, to be opened and graded of the full width of one hundred and twenty feet, as laid down in the general plan of said townships, as soon as the owners of the property, through which said avenue shall pass, shall execute and deliver to the commissioners aforesaid, for the use of said county, a full and sufficient release and quit claim, for so much of their ground on each side of said avenue, as shall be necessary to make the same the full width of one hundred and twenty feet as

Of Susquehanna avenue.

SECTION 3. That the treasurer of the county of Philadelphia, from and after the passage of this act, shall have full power and authority to enforce the payment of taxes now registered, or that may hereafter be registered in the office of the county commissioners of the said county, under the provisions of any act of assembly; and for that purpose employ counsel, and take such other measures as may be necessary—

County treasurer Philadelphia co., powers and duties.

Commissioners. counsel to be entitled to a commission of five per cent. on all money collected by him, in full compensation for his services in collecting the same.

Suits for unpaid taxes.

SECTION 4. That for the purpose of carrying the provisions of this act into effect, the said treasurer shall have power to bring suit in the name of the county of Philadelphia, before any alderman, justice of the peace or court of competent jurisdiction, against the person or persons returned and registered in the register of unpaid taxes on real estate according to the provisions of the said act of February, one thousand eight hundred and twenty-four, and shall, upon producing before any alderman, justice or court, a certificate, such as is provided for by the fifth section of said act, obtain judgment in favor of the county for the amount of taxes due, together with interest thereon, according to the provisions of the said act, unless the defendant or defendants shall prove that the amount claimed has been paid or satisfied, wholly or in part, in which case judgment shall be entered for the defendant or defendants, or for the county, for such parts as shall remain due, where judgment shall have the same effect, to all intents and purposes, as judgments in other cases.

When sheriff returns "nihil."

SECTION 5. In all such actions, if the constable, sheriff, or other officer, to whom any writ of summons, or other original writ is directed, shall return "nihil" endorsed thereon, it shall and may be lawful for the said county treasurer to sue out an alias writ, and thereupon, if the said constable, sheriff, or other officer, shall make return of the said alias writ, with "nihil" endorsed thereon, the said return of two "nihil" shall be in all respects equivalent to actual service of the same, as is now the practice in cases of scire facias on judgments and mortgages: *Provided however,* That it shall be the duty of the said constable, sheriff, or other officer, to give notice of the said alias writ, by serving a copy thereof on the tenant in possession of the premises described in the said register, if any, or if there be no such tenant, by posting a copy of the same in some conspicuous part of the premises, at least ten days previous to the return thereof, and also by publication in one or more newspapers of the city of Philadelphia, which publication shall recite the amount of tax claimed, and the description of the real estate as set forth in said registry.

Notice.

Treasurer's accounts.

SECTION 6. The said treasurer shall keep in his books an account or accounts with the treasurer of the city of Philadelphia, and each of the incorporated districts of the county of Philadelphia, and treasurer of the guardians and directors of the poor, and supervisors of the roads of the respective districts and townships in said county, in which he shall credit their treasurer or supervisors of roads, respectively, with the amount of taxes due to the said city, district, and township, and guardians or directors of the poor, and supervisors, respectively; and when collected as aforesaid, shall pay over to said treasurers or supervisors the sums so collected, and if the whole amount received for taxes upon any one property shall not be equal to the whole amount of taxes due thereon, the same shall be apportioned to the state, county, city, districts, guardians and directors of the poor, and supervisors, in proportion to the amount of taxes due them respectively.

Apportionment and equalization of taxes.

SECTION 7. That the county commissioners of the county of Philadelphia, be and they are hereby authorized to advertise and sell at public sale or out cry to the highest and best bidder, all those two adjoining lots or pieces of ground, situate on the west side of Delaware seventh streets in Penn township, one of them beginning at the distance of one hundred and fifty feet northward from the north line of Poplar lane, containing in front on Seventh street fifty feet, and extending in length or depth on the north side three hundred and eight feet, and on the south side three hundred and fifty-five feet eight inches; the other, being at the distance of two hundred feet from said Poplar lane, containing in front fifty feet, and in length or depth on the north side two hundred and sixty-one feet nine inches, and on the south side thereof three hundred and eight feet, bounded as in the indenture of said James S. Huber, dated the nineteenth March, one thousand eight hundred and twenty-seven, and recorded in the office of the recorder of deeds, &c., for the city and county of Philadelphia, in deed book GWR, number seventeen, page twenty-eight, is fully set forth, and to convey the same, in fee simple or otherwise, to the purchaser or purchasers thereof, the net proceeds of said sale to be paid into the public treasury of the said county of Philadelphia.

SECTION 8. That the annual appropriation from the county of Philadelphia to the agricultural society of said county, be and the same is hereby extended for the term of five years from and after the passage of this act: *Provided*, That said appropriation shall not exceed the sum of six hundred dollars annually.

SECTION 9. That Ephraim Inskeep, Isaac Thomas, and John Jackson, trustees under the will of Jacob Jackson, late of Delaware county, deceased, of the real estate devised therein to Isaac L. Jackson, a minor child of said decedent, and Edward Garrett, guardian of the persons and estates of John H. Jackson and Ephraim J. Jackson, also minor children of the said decedent, be and they are hereby authorized to sell at public sale, as to them shall seem expedient, all the estate and interest held by them in trust for the said Isaac L. Jackson, and also all the estate and interest of said minor children of John H. Jackson and Ephraim J. Jackson, in a message and lot, situate on the south side of Sansom street, at the distance of one hundred and twenty-six feet eastward from Delaware Eighth street, in the city of Philadelphia, and convey the same to the purchaser or purchasers thereof: *Provided*, That before the execution of the deed or deeds for the premises, the said trustees and guardians shall give bonds, with such security as the orphans' court for the city and county of Philadelphia shall approve, conditioned for the faithful application and distribution of the proceeds of the sale, agreeably to the provisions of the will of the said decedent.

SECTION 10. That the third joint resolution, approved the eighth day of March, Anno Domini, one thousand eight hundred and forty-five, entitled "A Resolution relating to turnpike stock purchased by S. Meylert, and for other purposes," be and the same is hereby repealed.

SECTION 11. That the commissioners of the county of Philadelphia be, and they are hereby authorized and directed to cause Susquehanna avenue, the boundary line between North and South Penn township, in said county, to be opened and graded of the full width of one hundred and twenty feet, as laid down in the general plan of said townships, as soon as the owners of the property, through which said avenue shall pass, shall execute and deliver to the commissioners aforesaid, for the use of said county, a full and sufficient release and quit claim, for so much of their ground on each side of said avenue, as shall be necessary to make the same the full width of one hundred and twenty feet as

Proviso.

aforesaid: *Provided*, That the consent of the owners of the ground lying east of Broad street, to the easternmost termination of said township, and the execution by them of a release and quit claim as aforesaid, shall only be necessary to cause that portion of said avenue to be opened: *And provided also*, That the said commissioners shall pay a just and reasonable sum for any building or buildings which may be destroyed or removed, by the opening of said avenue as aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 334.

AN ACT

To incorporate the Mutual fire insurance company of Hummelstown, Dauphin county, Pennsylvania.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph Hershey, Jacob Hummel, (farmer,) John Hoerner, (Hanover,) John Ebersole, Simon Duey, Conrad Smith, Samuel Gsell, George Landis, Samuel Klopp, David Cassell, Christian Landis, (miller,) James Clark, Doctor Jacob Shope, their successors or assigns, are hereby made a corporation by the name of the Mutual fire insurance company of Hummelstown, Dauphin county, Pennsylvania, and they and their successors are hereby made a body politic and corporate in law, with all the legal incidents of a corporation aggregate: *Provided*, That they shall not have power to hold a greater amount of real estate than is necessary for the use of the corporation in the transaction of the business thereof, or such as shall be taken in security for or in payment of debts, nor shall the yearly income thereof exceed two thousand dollars; nor shall any by-laws be repugnant to this instrument, the constitution of the United States, or this commonwealth.

Proviso.

Powers.

Annual meeting.

SECTION 2. The powers of this association shall be vested in thirteen managers, to be chosen by ballot annually on the first Monday of November, at an annual meeting of the company to be held, and each member being entitled to one vote.

Membership.

SECTION 3. Each insurer in or with said company shall be a member thereof during the term of his or her policy, and no longer.

Meetings.

SECTION 4. The general meetings of this company shall be held annually on the first Monday of November, at some convenient place in the township of Derry, and county of Dauphin, and also whenever called by the board of managers, or whenever requested by twenty

members; and they shall, at such general meeting, pass all by-laws, rules and regulations, necessary for the well government of the affairs of the corporation, or vest the power so to do in the board of managers; and all elections shall be by ballot, each member entitled to one vote; said elections to be conducted by three judges, chosen by the members present for that purpose, who shall certify, under their hands, the result of said election, and the same to be filed with the papers of the corporation; the managers for the time being shall choose from among their own members, one to be president, and shall also from time to time, as it may be necessary, choose a treasurer, also appoint a secretary, and such other agents and officers as may be necessary, and fix their respective fees and salaries, and require such bonds for the faithful discharge of the duties assigned, as may be deemed necessary for the interests of the company may require; and shall have full power to suspend, remove, or displace any such officer or agent of the company, and supply such vacancy which may happen by death, removal or resignation of and among their own members, until the next election, and they shall, at the annual meeting of the members, present to the company a general statement of its affairs.

SECTION 5. The president and managers shall have full power, on behalf of said corporation, to make insurance against losses by fire on any house, tenement, manufactory, barn or other buildings, and goods, wares, merchandize, and effects, and household furniture therein, and on hay, grain, and other agricultural products in barns, stacks or otherwise, and generally on all kinds of goods, wares, and merchandize and effects, except books of accounts, bills, bonds, ready money, jewels, plate, paintings, engravings, and large manufactories; to make, execute, and perfect such and so many contracts, bargains, agreements, policies, and other instruments as shall or may be necessary, and as the nature of the case shall or may require; and every such contract, agreement and policy, to be made by the said corporation, signed by the president and attested and signed by the secretary, and also shall be signed by the party insured; and the president and managers are hereby empowered to have made and to procure a seal, with such device as they may deem proper, to be used by them as the common official seal of the company.

SECTION 6. It shall be lawful for said company to employ and improve all moneys received by them, and the profits thereof, in the purchase of any ground rents, or mortgages, or in any loans on good and sufficient security; and no money shall be drawn from the funds of the said company, for the purpose of making dividends or dividing profits, nor for other purposes than, first, to defray the current or incidental expenses of the corporation, and then for the purpose of such damages as any member of said company, or insurer, may be justly entitled to; and when the just demand of any insurer in said company, or member thereof, shall exceed the amount of its available funds on hand, such sums as shall be necessary to pay the same shall, without unnecessary delay, be assessed by any three of the board of managers appointed by the president, on the insurances, each member to pay in proportion to the amount he has insured, and publish the same; and all and every of the members of the company shall pay into the hands of the treasurer, his, her, or their proportionable part of such rates within forty days after such publication as aforesaid, and in default of such payment, he, she, or they, and every of them making such default therein, shall forfeit and pay double the said rates; and neglecting to pay the said forfeiture for fifty days more, may by the managers for the time being be excluded and debarred from any benefit or advantage from his, her, or their assurances respectively, and all right to the stock

of this company, and shall notwithstanding be liable to said rates, pursuant to his or their covenants and agreements.

Notice of loss.

SECTION 7. All and every of the members of this company, shall sustain any loss by fire, shall give immediate notice to the president of the company, who shall appoint a committee of three from the board of managers, that shall examine and inquire into the same: and the said managers, with all convenient expedition, shall inquire into the same, and after ascertaining the sum which said parties shall be lawfully entitled to, make provision and payment as herein is specified.

Rates of insurance.

SECTION 8. The members shall, at their general meetings, fix the rates of insurance and incidental charges and fees, as may be deemed equitable and proper, or vest the power so to do in the board of managers; and any person who shall become a member of this corporation by effecting insurance therein, shall the first time he effects insurance, and before he or she receives his or her policy, pay the rates that shall be fixed and determined upon, and no premium so paid shall ever be withdrawn from said company during the continuance of its charter.

Transfer of policy

SECTION 9. That in case any assured, named in any policy or contract of insurance made by the said corporation, shall sell, convey, or assign the subject insured, it shall be lawful for such assured to assign and deliver to the purchaser, such policy or contract of insurance; and such assignee shall have all the benefits of such policy or contract of insurance, and may bring and maintain a suit in his or her own name: *Provided*, That before any loss happens he or she shall obtain the consent of the president or secretary to such assignment, and have the same endorsed on or annexed to such policy or contract of insurance, to be according to the aforesaid directions for that purpose, and not otherwise.

Profits.

SECTION 10. That the net profits arising from interest or otherwise, shall be ascertained yearly to every member, in proportion to his, her or their deposits, for which each member shall have a credit in the company's books—nothing in this charter to be construed as to allow any of the funds of the association to be used for banking and manufacturing purposes.

Repeal.

SECTION 11. If at any time it shall appear that the chartered privileges hereby granted, are injurious to the public welfare, the power thereof to repeal shall not effect any engagement to which the said company may have become a party previously thereto, and that the said company shall have a reasonable time to bring their accounts to a final settlement.

Managers.

SECTION 12. The first thirteen named persons in this bill to constitute the first boards of managers, with power to organize the corporation, and appoint a president, and other officers and agents, agreeable to the spirit of this act, and to hold their power and authority until the next election as is herein provided, with all the powers contemplated to be vested in the board of managers elected by the company under the authority of this act.

Policy.

SECTION 13. No policy shall be issued by the corporation, until application be made for insurance to the amount of two hundred thousand dollars.

Suits at law.

SECTION 14. Suits of law may be prosecuted and maintained by any member against said corporation, for losses or damage insured against by them, if payment is withheld more than sixty days after the company is duly notified of such losses, and no member of the corporation, not being in his own individual capacity a party to such suit, shall be

competent as a witness: *Provided*, The managers do not agree to *Provide*, build or replace the property lost or damaged, in which case a reasonable time shall be allowed them.

SECTION 15. Any amendment or alteration may be made to the con- Amendments.
stitution at any general meeting, by a majority of the whole association:
Provided, The same is not repugnant to the constitution of this com-
onwealth, or of the United States.

SECTION 16. That the privileges hereby granted shall expire at the Duration of char-
ter.
and of twenty years.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred
and forty-five.

FRS. R. SHUNK.

No. 335.

AN ACT

To authorize the appropriation of certain road taxes in Schuylkill county, to the
opening of a road in Pinegrove township, in said county.

SECTION 1. *Be it enacted by the Senate and House of Representa-*
tives of the Commonwealth of Pennsylvania in General Assembly
met, and it is hereby enacted by the authority of the same, That Appropriation.
the road taxes assessed upon the unseated lands, within the townships
of Pinegrove and Porter, in the county of Schuylkill, now held and
owned by George Richards, Thomas Baird and Thomas M. O'Brien, are
hereby appropriated to the opening and making of the road laid out for
a public road, leading from the old Sunbury road, at Harvey's tavern, Route.
through the valley between the Sharp and Second mountains, and inter-
secting the public road leading from Port Mifflin, on the Union canal, to
Lykens' valley, in the Fishing creek gap, in the Second mountain, for
and during the term of four years.

SECTION 2. That George Richards, Thomas Baird, and Thomas M. Power to open
O'Brien, be and they are hereby authorized and directed to open said road.
road, on being allowed a credit for the making said road, for their road
taxes, as they yearly become due on the lands referred to in the first
section of this act, for the term therein mentioned, the said Richards,
Baird and O'Brien opening the said road, at as early a day as possible;
and that Samuel B. Fisher, and Samuel Lewis, of the borough of
Pottsville, be and they are hereby appointed commissioners to examine Examiners.
the route laid down by the jury, and if in their opinion the same can
be altered to advantage in any part, they shall make a survey and draft Draft.
of the same, and make a return of the same to the office of the clerk
of the court of quarter sessions of the said county, which shall be a
record thereof, and from thenceforth the said road shall be to all intents

Expenses.

and purposes a public highway, and after being opened by the said Richards, Baird and O'Brien, shall be repaired, in all respects as other public roads are repaired; the expenses of the said survey and return is to be paid out of the taxes aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 336.

AN ACT

Relating to the controllers of the public schools of the city and county of Philadelphia.

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the present controllers of public schools for the city and county of Philadelphia, and such persons as may hereafter be duly elected, according to the laws of this commonwealth, as their successors in office, be and they are hereby made a body politic and corporate in law, with all the legal powers and incidents of a corporation aggregate, and shall have capacity as such.

Name.

I. To sue and be sued by the corporate name of "The Controller of the public schools of the first school district of Pennsylvania."

Powers, &c.

II. To take and hold real estate in fee simple, or for any less estate, within the city and county of Philadelphia, and to have power to sell and dispose of the same, from time to time, in absolute fee simple or for any less estate, and to convey the same to any purchaser or purchasers free from all trusts: *Provided,* That no such real and personal estate shall be taken and held by the said controllers, except for public school purposes, or such as are directly incident thereto, by the laws of the commonwealth of Pennsylvania.

Seal.

III. The said corporation shall have a common seal, which shall remain in the custody of such person as shall be prescribed by the by-laws of said corporation.

Secretary.

IV. The said corporation shall have full power and authority to elect a secretary, not one of their own body, who shall give such security for the proper performance of his duties as the by-laws of the corporation may require; they shall also have authority to make such by-laws, rules and regulations, as may be necessary for their well government.

Made subject to a
certain act.

V. The said corporation shall have and exercise all the privileges and powers, and be subject to all the duties which are now had, and exercised by the board of controllers of public schools of the city and county of Philadelphia, and to which the same are subject, and all the acts of

assembly relative thereto shall be and remain in full force and effect, except so far as the same may be expressly altered by the terms of the present act.

VI. That the legal title of all property now held by the commissioners of the county of Philadelphia, or by the county of Philadelphia, or by any person or persons, body politic or corporate, in trust for or on the use of the controllers aforesaid, shall be, and the same is hereby fully vested in fee simple, or for any less estate, as the case may be, in the corporation created by the provisions of this act; and the said commissioners and county aforesaid, and all other persons, are hereby directed to execute and deliver to the corporation hereby created, all proper deeds and conveyances for the purpose of transferring the title as aforesaid, together with all policies of insurance and muniments of title appertaining thereto.

SECTION 2. That the legislature hereby reserves the right to alter, annul or amend this act, whenever it may deem it expedient.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 337.

A N A C T

To annul the marriage contract of Joseph P. Jones, and Charlotte S., his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Joseph P. Jones, and Charlotte S., his wife, late Charlotte S. Styer of the county of Montgomery, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully and effectually, and absolutely, as if they had never been joined in marriage: *Provided,* The children of the said Joseph P. Jones, and Charlotte S., his wife, shall enjoy all the rights and privileges of children born in lawful wedlock.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

Expenses.

and purposes a public highway, and after being opened by the ss. Richards, Baird and O'Brien, shall be repaired, in all respects as other public roads are repaired; the expenses of the said survey and return is to be paid out of the taxes aforesaid.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 336.

AN ACT

Relating to the controllers of the public schools of the city and county of Philadelphia.

Incorporation.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the present controllers of public schools for the city and county of Philadelphia, and such persons as may hereafter be duly elected, according to the laws of this commonwealth, as their successors in office, be and they are hereby made a body politic and corporate in law, with all the legal powers and incidents of a corporation aggregate, and shall have capacity as such.

Name.

I. To sue and be sued by the corporate name of "The Controllers of the public schools of the first school district of Pennsylvania."

Powers, &c.

II. To take and hold real estate in fee simple, or for any less estate, within the city and county of Philadelphia, and to have power to sell and dispose of the same, from time to time, in absolute fee simple or for any less estate, and to convey the same to any purchaser or purchasers free from all trusts: *Provided,* That no such real and personal estate shall be taken and held by the said controllers, except for public school purposes, or such as are directly incident thereto, by the laws of the commonwealth of Pennsylvania.

Proviso.

Seal.

III. The said corporation shall have a common seal, which shall remain in the custody of such person as shall be prescribed by the by-laws of said corporation.

Secretary.

IV. The said corporation shall have full power and authority to elect a secretary, not one of their own body, who shall give such security for the proper performance of his duties as the by-laws of the corporation may require; they shall also have authority to make such by-laws, rules and regulations, as may be necessary for their well government.

Made subject to a
certain act.

V. The said corporation shall have and exercise all the privileges and powers, and be subject to all the duties which are now had, and exercised by the board of controllers of public schools of the city and county of Philadelphia, and to which the same are subject, and all the acts of

assembly relative thereto shall be and remain in full force and effect, except so far as the same may be expressly altered by the terms of the present act.

VI. That the legal title of all property now held by the commissioners of the county of Philadelphia, or by the county of Philadelphia, or by any person or persons, body politic or corporate, in trust for or to the use of the controllers aforesaid, shall be, and the same is hereby fully vested in fee simple, or for any less estate, as the case may be, in the corporation created by the provisions of this act; and the said commissioners and county aforesaid, and all other persons, are hereby directed to execute and deliver to the corporation hereby created, all proper deeds and conveyances for the purpose of transferring the title as aforesaid, together with all policies of insurance and muniments of title appertaining thereto. Certain trust estates vested.

SECTION 2. That the legislature hereby reserves the right to alter, annul or amend this act, whenever it may deem it expedient. Reservations.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 337.

A N A C T

To annul the marriage contract of Joseph P. Jones, and Charlotte S., his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between Joseph P. Jones, and Charlotte S., his wife, late Charlotte S. Styer of the county of Montgomery, be and the same is hereby annulled and made void, and the parties released and discharged from the said contract, and from all duties and obligations arising therefrom, as fully and effectually, and absolutely, as if they had never been joined in marriage: *Provided,* The children of the said Joseph P. Jones, and Charlotte S., his wife, shall enjoy all the rights and privileges of children born in lawful wedlock. Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 338.

AN ACT

To annul the marriage contract of John Rose, and Diana, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between John Rose, and Diana, his wife, be and the same is hereby annulled and made void, and the parties released to all intents and purposes as if they never had been joined in marriage.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 339.

AN ACT

For the relief of Elizabeth Holdren, widow of an old soldier.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer is hereby authorized and directed to pay Elizabeth Holdren, of Bucks county, or to her order, forty dollars per annum during life, payable semi-annually, to commence from the first of January, eighteen hundred and forty-five, for services rendered by her late husband during the Revolutionary war.*

Annuity.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 340.

AN ACT

To authorize Samuel Jarden, of the city of Philadelphia, guardian of Angelina Epplesheimer, a minor child of Lewis Epplesheimer, senior, and Anna, his wife, late of the county of Philadelphia, to sell and dispose of certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel Jarden, of the city of Philadelphia, guardian of Angelina Epplesheimer, a minor child of Lewis Epplesheimer, senior, and Anna, his wife, late of the county of Philadelphia, is hereby authorized and empowered to sell and dispose of the undivided share, right, title, and interest of the aforesaid minor of, in, and to all, any, or either of the messuages or tenements and lots or pieces of land, with the hereditaments and appurtenances to the same belonging, situate in the city and county of Philadelphia, which the said Lewis Epplesheimer, senior, by two certain indentures, one of them dated the twenty-fourth day of May, Anno Domini one thousand eight hundred and thirty-four, recorded in the office for recording deeds for the city and county of Philadelphia, in deed book A M, number forty-seven, page seven hundred and eighteen, &c., and the other dated the twenty-fifth day of August, Anno Domini one thousand eight hundred and thirty-five, recorded in the office aforesaid, in deed book A M, number sixty-seven, page three hundred and ninety-six, &c., granted and conveyed unto William M'Farland, his heirs and assigns in trust as therein mentioned, and that he, the said Samuel Jarden, guardian aforesaid, shall also have full power and authority to join in any partition or sale of said premises, either personally or by attorney; and for the purposes aforesaid to execute and deliver all such deed or deeds, conveyances and assurances in the law, as shall be necessary to convey the same in fee simple to the purchaser or purchasers thereof: *Provided,* That the said Samuel Jarden, guardian aforesaid, before he proceeds to sell the said property, shall enter into bond, with sufficient security, to be approved by the orphans' court for the city and county of Philadelphia aforesaid, conditioned for the faithful application of the proceeds of the sale of the said estate, to the maintenance and support of the said minor, and the punctual payment of so much of the said proceeds as shall remain in his hands after the expenses of her maintenance and support are paid as aforesaid, to the said Angelina Epplesheimer, on her arriving at the age of twenty-one years, together with lawful interest thereon from the time the said proceeds shall have come into his hands as guardian aforesaid.

Power to sell.

Power to join in partition.

Security.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 341.

AN ACT

Providing for the determination and settlement of claims for damage done by the construction of the Erie division of the Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the Erie canal company, upon its acceptance of the provisions of this act as hereinafter provided, shall be legally liable for the payment of all damages done to private property, by the construction of the Erie division of the Pennsylvania canal, from New Castle to Lake Erie, and by the construction of the French creek feeder, which shall be assessed, determined and certified to said company in the manner hereinafter provided.

Liability for damages.

Rules for assessment, &c.

SECTION 2. That the canal commissioners be and they are hereby authorized and required, without delay, to consider, assess and determine all claims for damage done to private property, by reason of the construction of the Erie division of the Pennsylvania canal, from New Castle to Lake Erie, and of the French creek feeder, excepting such cases as have already been considered and determined, and cases in which releases have been executed by the owners of the property to the commonwealth, whether such claims be for damage done prior to, or since the transfer of said canal to the Erie canal company; and the said commissioners, in assessing and determining such claims, shall in all respects be governed by the general laws of this commonwealth, and guided by the rules established with regard to the assessment of damages done by the construction of the public improvements of the state; and when the claims for damages shall have been finally determined, the said commissioners shall certify the same, with the amount in each case, to the president of the Erie canal company, and to the auditor general of the commonwealth, who shall communicate the same to the legislature, and if approved by the legislature, the said company are hereby authorized and required to pay the amount of the damage so found due and certified, to the persons respectively entitled to receive the same.

Certified.

Payment.

Vouchers, &c.

Refunded on resumption.

SECTION 3. The said company shall take vouchers for, and keep an account of the moneys so paid, and in case of a resumption by the commonwealth of said Erie division canal, or any part thereof, the amount so paid by the said company shall be refunded and paid back to them by the commonwealth, with interest at the same rate as by the fourteenth section of the act authorizing the governor to incorporate the said Erie canal company, is provided with regard to money expended by the said company in finishing and completing said canal.

Resolution of acceptance.

SECTION 4. If the Erie canal company shall accept the provisions of this act, and communicate to the secretary of the commonwealth a copy of the resolution of acceptance, duly certified under its corporate seal, on or before the first day of August, eighteen hundred and forty-five, this act shall take effect and be in full force, otherwise it shall be null and void.

SECTION 5. Nothing contained in this act shall in any manner interfere with the right of the legislature to resume the Beaver division of the Pennsylvania canal, between the Ohio river and New Castle.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 342.

A N A C T

To provide for the ordinary expenses of the government, repair of the canals and railroads of the state, and other claims upon the commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Appropriations. the following sums be and they are hereby specifically appropriated to the several objects hereinafter expressed, for the year commencing the first day of June, eighteen hundred and forty-five, and ending the first day of June, eighteen hundred and forty-six, to be paid out of any money in the treasury not otherwise appropriated.

First.—For the expenses of the executive department, to wit: The salary of the governor, three thousand dollars; the salary of the secretary of the commonwealth, twelve hundred dollars, and the further sum of five hundred dollars as superintendent of the common schools; the salary of the deputy secretary of the commonwealth, one thousand dollars; the salary of the auditor general, fourteen hundred dollars; the salary of the surveyor general, twelve hundred dollars; the salary of the attorney general, three hundred dollars; the salary of the state treasurer, fourteen hundred dollars; clerk hire in the state department, three thousand dollars; clerk hire in the auditor general's office, forty-five hundred dollars; clerk hire in the state treasurer's office, thirty-two hundred dollars; clerk hire in the surveyor general's office, thirty-five hundred dollars; salary of state librarian, seven hundred and thirty dollars: *Provided,* That from and after the first day of January, one thousand eight hundred and forty-six, the salary of the state librarian shall be five hundred dollars and no more, any law to the contrary notwithstanding. To executive department. *Provido.*

Second.—For the payment of the expenses of the judiciary, ninety-seven thousand five hundred dollars: *Provided,* That the judges of the supreme court shall not be entitled to any per diem allowance, except for the number of days employed in the discharge of their judicial duties, while the court is in actual session; and each of said judges shall To judiciary department.

certify to the state treasurer the number of days he was thus actually employed; and hereafter the amount to be paid for the salary of the judges of the district court of the county of Lancaster, shall be two thousand dollars per annum, payable quarterly.

Gratuities and pensions. *Third.*—For the payment of gratuities and pensions, thirty-two thousand five hundred dollars.

Common schools. *Fourth.*—For common school purposes, two hundred thousand dollars; and the warrants to be issued by the superintendent of common schools, to the several accepting school districts, for the school year commencing on the first day of June, eighteen hundred and forty-five,

Apportionment. shall be so apportioned, according to the number of taxable inhabitants in each accepting district, as not to exceed the amount hereby appropriated; and that the fortieth section of the act of twenty-ninth April, eighteen hundred and forty-four, entitled "An Act to reduce the state debt, and to incorporate the Pennsylvania canal and railroad company," be and the same is hereby declared to be continued in full force, except so far as the said section relates to the payment of appropriations to common schools: *Provided, however,* That the amount of warrants issued in favor of the accepting districts in any county, under the provisions of this act, shall not exceed the amount which shall have been paid by such county into the state treasury, for state purposes, on account of the amount which such county became and was liable to pay for the fiscal year ending the thirtieth day of November, eighteen hundred and forty-four: And that the state treasurer is authorized and required to pay, out of the two hundred thousand dollars appropriated in this section, the amounts of the warrants drawn on him by the superintendent of common schools under the provisions of an act, entitled "Resolution relative to certain school districts," approved the twenty-seventh of March, eighteen hundred and forty-five.

House of refuge. *Fifth.*—For the house of refuge, in pursuance of the act of the sixteenth April, one thousand eight hundred and forty, four thousand dollars, subject to all the provisions and conditions of said act.

Asylum for blind. *Sixth.*—For the institution for the instruction of the blind, nine thousand dollars, in pursuance of the act of eleventh October, one thousand eight hundred and thirty-nine.

Deaf and dumb. *Seventh.*—For the Pennsylvania institution for the instruction of the indigent deaf and dumb pupils therein, of this commonwealth, eleven thousand dollars.

Repairs on public works. *Eighth.*—For the repairs of the canals and railroads during the present year, the sum of one hundred and seventy-five thousand dollars: and for ordinary repairs, after the first day of December next, the sum of fifty thousand dollars: *Provided,* That no part of said sum of fifty thousand dollars shall be expended before the said first day of December, except so much of the same as may be necessary for the purchase and preparation of materials for executing repairs after said period; and in case of any breach occurring on any of the lines of canals requiring extraordinary repairs, the state treasurer is hereby authorized and directed to pay on the warrant of the canal commissioners such sums as they may deem necessary, according to an estimate to be furnished to the state treasurer, of the amount that may be required for the purpose: *Provided,* That the amount drawn shall not exceed twenty thousand dollars.

To canal commissioners' office. *Ninth.*—For the annual payment of the canal commissioners, three thousand two hundred and eighty-five dollars; for clerk hire and salary of the secretary of the canal commissioners, one thousand dollars;

contingent expenses of the canal commissioners' department, viz: For messenger, three hundred dollars; for postage, four hundred dollars; for stationery, one hundred and fifty dollars; for printing, twenty-five dollars; for lights, fuel and miscellaneous items, sixty-five dollars.

Tenth.—For the payment of lock-keepers, collectors, weighmasters, Officers and other agents, house rent, stationery and other incidental expenses agents on public of their offices, the sum of fifty-nine thousand dollars. works.

Eleventh.—To James M'Cormick, for professional services rendered J. M'Cormick. to the commonwealth in the supreme court, in the case of the Commonwealth ex relatione Attorney General against the Canal Commissioners, the sum of one hundred dollars; and for costs of suit, twenty-nine dollars and eighty cents.

Twelfth.—To Hamilton Alricks, for professional services rendered H. Alricks. in the quarter sessions of Dauphin county, in the case of the Commonwealth against Coulden, for practicing fraud upon the revenue of the commonwealth, the sum of forty dollars; and for the pay of witnesses in the same case, the further sum of thirty dollars.

Thirteenth.—For the completion of the Eastern reservoir, the sum Eastern reservoir. of twenty thousand dollars, in case the canal commissioners are of opinion that this sum will bring the same into use; and the appropriations for the expenses of the canals and railroads may be paid as the interests of the public service may require, after the passage of this act.

Fourteenth.—For the payment of damages, awarded prior to the Damages— passage of this act under general or special acts of assembly, by the board of appraisers and canal commissioners, and balances due for lots for collectors and lock-keepers, twenty-nine thousand dollars. For the payment of Garber and O'Connor, for transporting railroad iron to construct the Allegheny Portage railroad, five hundred and twelve dollars; nor. Garber & O'Connor. to pay the balance due Denlinger and Brua, for furnishing cast iron chairs Denlinger and Brua. for the Allegheny Portage railroad, seventy-seven dollars and six cents; Brua. to pay the balance due William Searight, for damages sustained as a W. Searight. contractor on the Erie extension, two thousand three hundred and seventy dollars and forty-four cents; and the claims provided for in this division shall be paid on the warrants of the canal commissioners: Warrants. *Provided*, That no damages shall hereafter be allowed by the canal commissioners for the burning of any house or other tenement, by Fires from locomotive engines on any of the railroads belonging to the motives. state, in any case where such house or other tenement has been erected since the introduction and use of locomotive engines on such road, unless, in cases in which the said canal commissioners, on examination, are satisfied that such an allowance in equity and justice should be made: *Provided further*, That the canal commissioners shall not draw any warrant under the provisions of this division, in favor of any claimant, until the auditor general and state treasurer shall have certified that the same has not been paid: *And provided further*, That the sum of six hundred and fifty dollars, due David McMurtrie, deceased, shall be paid Representatives to his legal representatives, who shall hold the same in trust for the of D. M'Murtrie. person or persons entitled to receive the same; for payment to J. D. Lawal, as commissioner, to take depositions in the case of the Lehigh J. D. Lawal. County Bank, under the authority of the committee on banks, in the House of Representatives, in February, 1845, fifteen dollars in full. •

Fifteenth.—For the payment of old debts, viz: On finished lines, Old debts. fourteen thousand and seventy-six dollars and thirty-one cents; and on the North Branch extension, one thousand one hundred and ninety-eight dollars.

Interest to domestic creditors.

Sixteenth.—For the payment of interest on the certificates issued by the auditor general, to domestic creditors, six thousand one hundred and three dollars and nine cents : *Provided*, That from and after the passage of this act, no portion of the principal of said certificates shall be paid by the state treasurer, until directed to do so by law.

Interest on issues 4th May, 1841.

Seventeenth.—For the payment of interest on the notes issued under the act of fourth May, one thousand eight hundred and forty-one, twenty-one thousand two hundred and sixty-four dollars and thirty-two cents.

Miscellaneous.

Eighteenth.—For miscellaneous items, four thousand dollars.

State library.

Nineteenth.—For the state library, five hundred dollars, to be applied to the purchase and expense of transporting books, for postage on binding, and debts contracted since the seventh of January, one thousand eight hundred and forty-five : *Provided*, The expense for postage on the state library shall be confined to postage on letters, documents, and periodicals received by the state librarian in his official capacity, connected with the duties of his office, and for the use of the library : and he shall not endorse any letter or document sent by him for the purpose of having the postage thereon charged to the commonwealth : and the postage account of the state library shall be settled quarterly by the auditor general, and paid upon his warrant : *Provided further*, That the accounts of the library committee shall from time to time be settled as other accounts are settled before the auditor general, and not more than two hundred and fifty dollars shall at any time be drawn from the treasury, until the account for the amount drawn, shall have been settled as aforesaid, before the auditor general.

Gratuities to convicts.

Twentieth.—For the payment of gratuities to convicts discharged from the state penitentiary, by the act of the twenty-third April, one thousand eight hundred and twenty-nine, six hundred dollars.

Expenses and payment of commissioners of sale.

Twenty-first.—For the expenses of the commissioners to sell the Delaware division of the Pennsylvania canal, under the provisions of the act of thirtieth April, one thousand eight hundred and forty-five, four hundred and ninety-four dollars ; and for the payment of the commissioners to sell the main line, eight hundred dollars.

Eastern and

Twenty-second.—To the Eastern penitentiary, eight thousand dollars.

Western penitentiaries.

Twenty-third.—To the Western penitentiary, five thousand dollars, and the provisions of the twenty-fourth article of the first section of the act of thirty-first May, one thousand eight hundred and forty-five, entitled "An Act to provide for the ordinary expenses of government, repair of the canals and railroads of the state, and other claims upon the commonwealth," shall not be considered as hereby repealed ; but shall remain and continue in force, so far as regards said Eastern and Western penitentiaries : *Provided*, That no money shall be paid to the Eastern and Western penitentiaries, until the wardens of said penitentiaries shall have complied strictly with the provisions of the twenty-fourth division of the above recited acts.

Proviso.

Public grounds.

Twenty-fourth.—For keeping in repair and improving the public grounds, two hundred dollars, to be expended under the direction of the state treasurer and auditor general.

Interest on funded debt.

Twenty-fifth.—For the payment of the interest on the funded debt of this commonwealth, which falls due on the first day of August, one thousand eight hundred and forty-five, eight hundred and eighty-four thousand and twenty-six dollars and fifty cents, which is hereby specifically appropriated to this purpose, and directed to be paid to the persons entitled to receive the same ; and if it shall be found that there

will not be enough money in the treasury on the first day of August Deficiency. next, to pay the whole of the interest then to become due according to the foregoing appropriation, then it shall be the duty of the state treasurer to ascertain the amount of the deficiency, and also what proportion such deficiency will bear to the amount of interest then due; and the state treasurer is hereby authorized and directed, with the approbation of the governor, to draw his checks on the Bank of Pennsylvania, for the amount of such deficiency due to the several loanholders respectively, dated the first of August, eighteen hundred and forty-five, and payable at such convenient times as the said treasurer may fix, not exceeding four months from the said date, which checks shall be given to the persons entitled to interest, as part of the interest then due to them; and the said checks shall be paid on presentation at the said bank, at any time on or after the days when they shall respectively be payable according to their tenor, out of any money of the commonwealth, held by the said bank; and the state treasurer is hereby directed and required to deposit in the Bank of Pennsylvania, out of any money received into the treasury, an amount sufficient to pay the said checks as they become due and payable, for the payment of which, by the said bank, this act shall be sufficient authority, and the said checks shall be engraved under the direction of the state treasurer, in such manner as shall be deemed best to prevent fraud, or counterfeiting, and shall be in form as follows, viz:

HARRISBURG, *August 1, 1845.*

The Bank of Pennsylvania pay to			Checks.
or bearer	days after date hereof	dollars	cents
By order of the Governor,		J. R. S., <i>Treasurer.</i>	

Twenty-sixth.—For the payment of the legal costs incurred by the Legal costs. county of Cambria, since the fifth day of April, eighteen hundred and forty-three, and the costs of prosecution which have necessarily occurred in the application of a new trial of Bernard and Patrick Flanagan, under the act of the twenty-fifth April, eighteen hundred and forty-four, four hundred and seventy-six dollars and thirty-four cents.

Twenty-seventh.—For the payment of the expenses of the legisla- Legislature. ture, including pay of members, clerks, officers and contingent expenses, eighty-five thousand dollars.

Twenty-eighth.—For public printing, folding, stitching and binding, Printing. fifteen thousand dollars.

Twenty-ninth.—For the payment of the revenue commissioners, Revenue commis- and contingent expenses attending their sitting, two thousand two hun- sioners. dred and thirty-six dollars and ninety-five cents.

Thirtieth.—For the payment of the amount of the guarantee to the Guarantee. "Bald Eagle and Spring Creek navigation company," as per act of seventh April, eighteen hundred and thirty-five, fifteen thousand dollars, being the instalments due July, eighteen hundred and forty-four, and January and July, eighteen hundred and forty-five.

Thirty-first.—For the payment of the amount guaranteed to the Guarantee. Pioga navigation company, as per act of fourteenth of April, eighteen hundred and thirty-five, due the first day of January, eighteen hundred and forty-five, five thousand one hundred and twenty-five dollars and forty-two cents.

- Guarantee.** *Thirty-second.*—For the payment of the amount of the guarantee to the Danville and Pottsville railroad company, as per act of April, eighteen hundred and thirty-four, being the instalment due in January and July, eighteen hundred and forty-five, the sum of fifteen thousand dollars; and that the appropriations for guarantees to the Bald and Spring Creek navigation company, to the Tioga navigation company, and the Danville and Pottsville railroad company, made by act, shall not be paid out until the governor shall appoint three commissioners, whose duty it shall be to examine the affairs and works of said companies, and on whose report the governor shall be satisfied that the substantial requirements of the several acts of assembly relating to said companies have been fully complied with, and that no fraud has been perpetrated on the commonwealth; and such commissioners shall receive two dollars per diem, and ten cents per mile for every mile actually travelled in discharging their duty, which said commissioners shall report on or before the first of August next: *And provided,* That the said guarantees shall not be paid until the said first of August next, and then in the same proportions and manner as the interest upon the funded debt.
- Commissioners to be appointed.**
- Pay of.**
- Proviso.**
- Thirty-third.*—To pay contingent expenses of the executive departments, including the department of common schools. For messenger, six hundred and eighty dollars; for stationery, books, &c., three hundred and fifty dollars; for fuel, light, &c., one hundred dollars; for postage, twelve hundred dollars; for miscellaneous items, twenty-five dollars.
- Contingencies, executive and state departments**
- Thirty-fourth.*—To pay contingent expenses in the office of the auditor general: for postage, three hundred and thirty dollars; for messenger, two hundred and twenty dollars; for stationery, one hundred and fifty dollars; for fuel, sixty dollars; light, ten dollars; miscellaneous items, ten dollars.
- Contingencies of auditor general's office.**
- Thirty-fifth.*—To pay contingent expenses in the office of the state treasurer: for postage, two hundred and twenty-five dollars; stationery, one hundred dollars; fuel and light, fifty dollars; messenger and watch, three hundred and sixty-five dollars; miscellaneous, ten dollars. *Provided,* That the accounts for the contingencies in all the public offices at the seat of government, shall be confined to the objects specified in the tenth division of the act of the thirty-first May, eighteen hundred and forty-four, and shall continue to be settled in accordance with the said division of said act.
- Of state treasurer's office.**
- Proviso.**
- Thirty-sixth.*—To pay contingent expenses in the surveyor general's office: for postage, seventy-five dollars; for stationery and books, three hundred dollars; for fuel, eighty dollars; for messenger, one hundred and sixty dollars; for miscellaneous items, ten dollars.
- Of surveyor general's office.**
- Thirty-seventh.*—To pay balance due on cash payments for interest due first February and first August, eighteen hundred and forty-two, two thousand two hundred and three dollars and forty-nine cents; to pay balance due on cash payments for interest due first February, first August, eighteen hundred and forty-three, seven hundred and twenty-three dollars and seventeen cents; to pay balance on cash payments for interest due first February and first August, eighteen hundred and forty-four, five thousand two hundred and thirty-three dollars and thirty cents; to pay balance of interest due first February, eighteen hundred and forty-five, six hundred and sixty-four dollars and six cents. *Provided,* That the account of the Bank of Pennsylvania, upon which the said bank claims the aforesaid balances, shall be first settled by the auditor general and approved by the state treasurer.
- Payment balance interest due in 1842:**
- In 1843.**
- In 1844.**
- In 1845.**
- Proviso.**

Thirty-eighth.—That at any time within nine months after the passage of this act, it shall be lawful for any person or persons or bodies corporate, on delivering up to the auditor general any certificates for the payment of interest on the funded debt of the state, issued in accordance with the several acts of assembly, authorizing the issue of certificates in payment of the interest on the funded debt of the state, which fell due on the first August, eighteen hundred and forty-two, and the first of February and August, eighteen hundred and forty-three, and the first of February and August, eighteen hundred and forty-four, to receive certificates of state stock, in an amount equal to the amount of the certificates so delivered; and the governor is hereby authorized and required, on the application of such person or persons or bodies corporate, to cause certificates of state stock, transferable on the books of the auditor general or at the Bank of Pennsylvania, to be issued as aforesaid; which certificates shall be signed by the auditor general, and countersigned by the state treasurer, and bear interest at the rate of five per cent. per annum, payable semi-annually on the first days of February and August in each year, and redeemable on or after the first day of August, eighteen hundred and fifty-five: *Provided*, That interest shall be computed on said certificates so delivered to the auditor general by him, at the rate of four and a half per cent. per annum, and the amount thereof shall be added to the principal of said certificates and state stock issued for the whole amount as aforesaid; and it shall be the duty of the auditor general, in the presence of the state treasurer and governor, to destroy the certificates so delivered; and the state stock issued under the provisions of this act, shall hereafter be considered and treated in all respects as part of the funded debt of this commonwealth.

Certificates of state stock in lieu of certificates for interest.

Governor to direct issue of.

Computation of interest on.

Stock funded.

Thirty-ninth.—The expenses of the militia system shall be paid out of the military fund, as provided by the act, entitled "An Act to reduce the expenses of the militia system, and provide a more rigid mode of collecting militia fines," approved the twenty-sixth day of April, one thousand eight hundred and forty-four.

Militia system.

Fortieth.—For the payment of militia expenses contracted prior to the twenty-sixth day of April, one thousand eight hundred and forty-four, nine thousand dollars, including salaries of brigade inspectors, such as appear to be due and unpaid on the books of the treasury department.

Militia expenses prior to April, 1844.

Forty-first.—To pay the borough of Harrisburg, for supplying the capitol and public offices with water, per act of twenty-eighth April, eighteen hundred and forty, six hundred dollars.

Water rent.

Forty-second.—For the payment of the costs and expenses of the committee of the Senate, appointed at the last session of the legislature, to investigate the charges against the Delaware and Hudson canal company, the sum of seventy-five dollars.

Senate committee

Forty-third.—That the state treasurer is hereby authorized and required to pay to John Thompson the sum of ninety-eight dollars and ninety cents, for repairs done to the public buildings, and also the sum of thirty-one dollars and sixty-five cents to Alexander Hamilton, for repairs done to the public buildings.

John Thompson.

SECTION 2. That in case the sum appropriated by this act for any object, should be found more than sufficient to meet the expenses thereby contemplated, the same shall not be applied to any other purpose, but shall remain in the treasury, credited to such object of appropriation, and subject to future legislation.

Surplus appropriation.

SECTION 3. In order to enable the legislature hereafter to make specific appropriations for the expenses of the government, it shall be the duty of the heads of departments.

Duty of heads of departments.

of the secretary of the commonwealth and superintendent of common schools, auditor general, state treasurer, surveyor general and canal commissioners, severally, to communicate to the legislature, on or before the third Tuesday of January in each and every year hereafter, a detailed estimate of the contingent expenses of their several departments, for one year, from the first day of June then next succeeding.

Duty of canal commissioners.

SECTION 4. Hereafter it shall be the duty of the canal commissioners to report to the legislature, from time to time, a specific statement of all cases of claims for damages which may at any time be adjudicated and finally settled by their board, whether the same has been done under special acts of the legislature or under the general powers of the canal commissioners.

Conveyance of convicts to be paid by counties.

SECTION 5. That hereafter the expenses of conveying convicts from the several counties of this commonwealth to the Eastern and Western penitentiaries, shall be paid by the counties from which such convicts may be sent, and no repeal of this act, in general terms, shall be so construed as to repeal this provision.

Of tax on bank dividends.

SECTION 6. That the thirty-third section of the act of the twenty-ninth April, one thousand eight hundred and forty-four, entitled "An Act to reduce the state debt," &c., shall not be construed as to release the banks and savings institutions of this commonwealth from the payment of a tax on their dividends, respectively, according to the provisions of the several laws in force at the time of the passage of said act: *And provided further*, That the thirty-fourth section of the act aforesaid, shall not be so construed as to repeal any other laws levying taxes for state purposes, than the subjects of taxation specially referred to in said section.

Proviso.

Duty of county treasurers regarding militia fines.

SECTION 7. That each county treasurer of this commonwealth shall keep a separate account of all moneys received, as is provided by the second section of the act, entitled "An Act to reduce the expenses of the militia system, and provide a more rigid mode for the collection of fines," approved April twenty-fifth, one thousand eight hundred and forty-four, and shall enter the names of the persons, and the amount of money paid by them, in a book kept for that purpose; and on the first day of October in each and every year, when said treasurer transmits his statement to the auditor general, as required by the ninth section of the act aforesaid, they shall forward a list of the persons and the amount thus received, to the auditor general, who is hereby required to charge the amount to the proper county treasurer, as a part of the military fund; and if any county treasurer shall neglect or refuse to comply with the provisions of the act aforesaid, as contained in the ninth, tenth and sixteenth sections, the auditor general shall, on or before the first day of January in each and every year, cause suits to be brought in the proper county, in the name of the commonwealth, for the recovery of any unsettled amount remaining in the hands of any such delinquent treasurer; and where there are more than one brigade in any one county, the county treasurer is hereby required to keep separate accounts of the amount collected in each brigade, or parts of brigades, to be accounted for in the order aforesaid: And if any county commissioner within this commonwealth, shall neglect or refuse to discharge the several duties enjoined upon them by the act aforesaid, or shall grant any release or discharge to any delinquent militiaman, other than is provided by the aforesaid act, they shall severally pay a fine of not less than one nor more than three hundred dollars for every such offence, to be recovered by the proper brigade inspector, as debts of equal amounts are by law recoverable, and to be accounted for to the auditor general, as a part

of the military fund: And no part of the act aforesaid shall be so construed as to make any man amenable to the performance of militia duty, or the payment of fines, except those between the ages of twenty-one and forty-five years; nor shall any person enrolled be fined for not parading with fire arms, in case the proper captain shall be satisfied that any such person is unable to procure fire arms by reason of poverty: and each captain or enrolling officer shall be entitled to three cents for each person lawfully enrolled, anything in former laws to the contrary notwithstanding: *Provided*, That any law of this commonwealth which requires imprisonment for military fines, be and the same is hereby repealed.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 343.

A N A C T

To extend the time for the completion of the Sandy and Beaver canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first, second, fourth, and fifth sections of the act approved the first day of April, eighteen hundred and thirty-six, entitled "An Act to revive and amend an act, entitled 'An Act to authorize the Sandy and Beaver canal company to extend a canal into Pennsylvania,' passed the fourteenth day of April, eighteen hundred and twenty-eight," be and the same is hereby revived, and the time for completing said canal to the Ohio river extended to the first day of January, eighteen hundred and forty-eight.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 344.

A SUPPLEMENT

To an act, entitled "An Act to incorporate an academy or public school, in the town of Norristown, and county of Montgomery, and for other purposes therein mentioned," approved March twenty-ninth, eighteen hundred and four.

- SECTION 1.** *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the present trustees of the Norristown academy, in the county of Montgomery, incorporated by an act passed the twenty-ninth day of March, one thousand eight hundred and four, shall on the first day of June next cease to be trustees of the said, the Norristown academy, and from and after the said first day of June next, the trustees of the said corporation shall consist of nine persons; and in place of the present trustees, Daniel H. Mulvany, Benjamin F. Hancock, and Adam Shamer shall be trustees until the first day of June, one thousand eight hundred and forty-eight; George W. Thomas, William Powell and Marks G. Kerr, trustees until the first day of June, one thousand eight hundred and forty-seven; and David Sower, William Hamill and Isaac H. Miller, trustees until the first day of June, one thousand eight hundred and forty-six, and until their respective successors shall be duly appointed and qualified as herein provided; and in the month of May, eighteen hundred and forty-six, and in the month of May in each year thereafter, the court of common pleas of said county shall appoint one trustee, the county commissioners of said county one trustee, and the school directors of the school district composed of the borough of Norristown one trustee of said academy, to succeed the trustees whose term is about to expire, each of whom shall serve three years and until a successor shall be appointed and qualified; and if from any cause the proper appointing power shall neglect or omit to appoint any trustee within the time specified, such trustee may be appointed at any time thereafter during the year; in case the seat of any trustee shall become vacant by death or otherwise, another trustee shall be appointed in his place by the same authority by which he was appointed, to serve for the unexpired time of the trustee whose seat has become vacant.
- SECTION 2.** A meeting of the trustees shall be held at the academy on the second Monday of June in every year, at which they shall elect a president of the board out of their own number, a secretary, treasurer, and such other officers as may be directed to be elected by the by-laws, but neither the principal of the academy, nor any person appointed or acting as a teacher therein, shall be ex-officio a trustee, or be capable of holding any other office or appointment under the corporation, or of exercising any corporate authority whatever; there shall also be a meeting of the trustees at least once in every three months, at the academy or other suitable place in the borough of Norristown.
- SECTION 3.** The school directors of the school district composed of the borough of Norristown, are hereby authorized to occupy one story of the academy, to be selected by the trustees of the academy, under such regulations as they shall prescribe for the public or common schools of said school district, if both stories of the academy shall not
- Of trustees.**
- Annual appointment of.**
- Term of office.**
- Vacancies.**
- Annual meetings.**
- Election of officers.**
- Who ineligible.**
- Quarterly meetings.**
- Occupancy of academy.**

needed for the accommodation of the pupils learning the languages useful arts and sciences at the same; and the said trustees are by authorized, at their discretion, to also permit the said school directors to occupy the other story of the academy, or the whole build-

with the academy lot, for a public or common school "for the education of youth in the learned and foreign languages, the useful sciences and literature," on condition such directors shall provide competent and suitable persons to teach such languages, arts, sciences

literature: *Provided*, That every person residing within the county **Admission of pupils.**

Montgomery, out of said school district, desirous of being instructed in such languages, arts and sciences, shall be admitted as a pupil in

the academy on paying a reasonable compensation for his tuition, to be paid by the trustees, whether the said languages, arts and sciences be

taught under the direction of said trustees, or under said school directors, in such arrangement the said directors are hereby authorized to make; and said directors shall also have authority to admit any person not

resident in said borough or county, as a pupil in the said academy to learn the languages, arts and sciences and literature, on such terms as the trustees and teachers or school directors may agree upon: *And*

Provided also, That while the school directors shall occupy one story of the academy, they shall keep the same in good order and repair, and

pay to the trustees twenty-five dollars per annum, and while they shall occupy the whole of the academy and lot, they shall keep the same in

good order and repair, and pay the trustees fifty dollars per annum—the whole amount of which rent or sums shall be paid on account of the lien **Application of rent.**

and against said academy and lot, for curbing and paving the side walk on any street in front of said academy, until the amount thereof shall be satisfied, and thereafter the said rent shall be appropriated for improvements to the said academy and lot.

SECTION 4. Any agreement which has been or shall be entered into between the present trustees of said academy with the school directors of the borough of Norristown school district, authorizing the said school directors to occupy the said academy, or any part thereof, for the use of the common schools of said borough, is hereby declared to be good and binding for a period of one year, and the same may be renewed, or

new contract or lease made agreeably to the provisions of this act: *Leases.*

Provided, No contract or lease shall be for a longer term than two years.

SECTION 5. The trustees of the said academy are hereby authorized and required to pay the amount of the claim filed for curbing and paving the side walk on Airy street, in front of said academy, as soon as practicable, out of any moneys which may come into their hands, or the hands of the treasurer of the academy; and if they shall have no other means, they are hereby authorized to sell and convey to the purchaser

or purchasers, in fee simple, in parts or altogether, so much of the said academy lot, not exceeding ninety feet deep from Marshall street continued, as may be necessary to pay the said claim; and in case the said trustees shall neglect or refuse to pay the said claim within two years after the passage of this act, it shall be lawful to issue process on

the said claim on which the above mentioned part of the said academy lot hereby authorized to be sold, may be taken in execution, and be sold as any other lot or lands might be, upon a claim filed against the same

for paving and curbing the side walks along such lot or lands. **Trustees to pay a certain claim.**

SECTION 6. It shall not be lawful for the court of quarter sessions of Montgomery county, nor for any viewers appointed by said court, nor

for any commissioners, to lay out any road, street, lane, or alley through or over the above mentioned academy lot; and all proceedings

of said court which heretofore have been, or hereafter may be had for

Roads, &c. over academy lot, prohibited.

through or over the above mentioned academy lot; and all proceedings of said court which heretofore have been, or hereafter may be had for

laying out such road, street, lane or alley, shall be held to be null and void.

Authority to exchange house and lot on conditions.

SECTION 7. If any person or persons shall erect and put up a brick building, with stone basement, of at least the same length and height as the said Norristown academy, and ten feet wider, or one equally capacious, in a substantial and workmanlike manner, and finish the same with an appropriate exterior, suitable for an academy, upon a lot or piece of ground suitably situated for an academy, and fronting on Airy street, or on De Kalb street, or on the south-east side of Sweede street, between the Quaker burial and meeting house land and Egypt street, or on the north-east side of Egypt street, between Stoney creek and Walnut street, containing at least two-thirds of the quantity of the present academy lot, and shall execute a good and clear title for such building and lot or piece of land, in fee, clear of all incumbrances, to the trustees of the said Norristown academy, for the trusts for which they shall hold the present academy and lot, and deliver possession thereof, the said trustees shall, in consideration thereof and in exchange therefor, execute a deed of conveyance for the present academy and academy lot, to the grantors of the said new building and lot, in fee simple, and such person, his heirs and assigns, shall hold the said academy and lot, free and discharged from all rights and claims whatsoever; but no such deed of conveyance shall be made until the court of common pleas shall appoint three competent and disinterested persons, to view and examine the said new academy and lot of land proposed to be exchanged for the academy and lot, and they shall report in writing that such building has been erected of the dimensions and in the manner above mentioned, and that it would be for the advantage of the academy to receive such new building and lot in exchange, as aforesaid, and the said court shall approve of the same.

Court to sanction exchange.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 345.

AN ACT

To incorporate the Shaefferstown water company.

Preamble.

WHEREAS, Alexander Shaeffer, and Anna Engle, his wife, by their indenture, under their hands and seals duly executed, bearing date the sixteenth day of July, Anno Domini, one thousand seven hundred and sixty-three, for the consideration therein mentioned, granted and confirmed a certain tract of land, situate in the town of Heidelberg, county of Lebanon, together with a leading spring on the same, unto George

Irish and Frederick Albright, then trustees and overseers of said leading spring and tract of land, and their successors in office for ever, by deed recorded in the recording office of Lebanon county, in deed book 7, page three hundred and eighty-two, for the use of the inhabitants of Market street, of the town of Heidelberg, now called "Shaefferstown;" the inhabitants of said Market street prayed for an act of incorporation, for the better management of said leading spring and tract of land.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Incorporated. the inhabitants of said Market street, Shaefferstown, and their successors, be and they are hereby created one corporation and body politic in law, by the name and style of "Shaefferstown water company." Name.

SECTION 2. That the said corporation, by the same name and style Privileges and shall have perpetual succession, and be able to sue and to be sued, plead powers. and be impleaded in all courts of law and elsewhere, and shall be able and capable in law and in equity to take, purchase, hold, and to receive to them and their successors in trust, for and to the use of said company, lands, water-courses, tenements, goods and chattels of whatsoever kind, nature or quality, real, personal or mixed, which is now, or shall or may at any time hereafter become the property of the said company, or be held for the use of said company by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person or persons whomsoever capable of making the same, and the same to grant, bargain, sell, mortgage, improve or dispose of for the use of the said corporation, if necessary, to erect, alter or enlarge any building, consistent with the improvement of the leading spring or other property belonging to the corporation, as may be directed by a majority of the members qualified to vote by the third section of this act, that may be present at a meeting to be held for that purpose, of which said meeting at least Meeting. ten days notice shall be given, by four printed or written handbills, put up at the most public places of said Market street, and adopt all such measures as may be lawful and necessary for the well being of the said corporation: *Provided,* That the yearly value or income of said estates Proviso. shall not any time exceed three thousand dollars.

SECTION 3. No more than one person in the same house, in said Votes. Market street, shall constitute a member of this corporation, and a qualified voter: *Provided,* That such person or persons be qualified to vote at general elections, and is entered on the poll list of this corporation six days prior to an election.

SECTION 4. The business of the company shall be conducted by a Officers. president, secretary, treasurer, and two fountain overseers, who shall be elected annually by ballot; the treasurer shall give ample security on Of treasurer. his accepting the office, if required by the corporation, and shall receive and account for all moneys coming into his hands belonging to the corporation, and shall have his accounts annually settled by the fountain overseers, to be laid before and approved of by the company, at their annual elections for officers.

SECTION 5. The following named persons shall serve as officers until Officers pro tem- others are elected, as is hereinafter provided, viz: George Renner, pre-pore. sident; George F. Miller, secretary; Henry Iba, treasurer; Thomas Bender and John Staly, fountain overseers; to continue in office until the third Saturday in April, Anno Domini, one thousand eight hundred and forty-five, on which day the qualified voters of the company shall elect the required officers who shall serve for one year, and shall annually thereafter hold their election for officers on said day, by notice Annual elections. given of such an election, as provided for in the second section of this

Proviso.

act: *Provided*, If the company neglect, on the day of holding their annual election, to hold their election as is herein directed, the said corporation shall not be dissolved, but may appoint any subsequent time to hold the same, subject to notice as is hereinbefore provided.

Regulation of supply.

SECTION 6. The water of said leading spring or springs shall continue to discharge at the points of the present fountains, in manner following, that is: At the lower fountain shall discharge one-third of the whole water, and the upper fountain shall discharge two-thirds of the whole water, the vents or spouts of the fountains shall at no time be stopped; the fountain overseers shall have power to regulate the water of said fountains as is herein directed.

Of loans.

SECTION 7. The president, secretary, and fountain overseers of this corporation, shall have power to contract debts or loans of money, not exceeding five hundred dollars, for the purpose of repairing or improving the fountains, leading spring or springs, or any other property belonging to the corporation, and to levy a water tax not exceeding one hundred dollars a year upon the members of the company, according to the quantity of water used by said members, and to collect such water tax as may be levied: *Provided*, The majority of the members of the corporation shall direct them so; the aforesaid officers shall be under oath or affirmation, when engaged as is herein directed.

Proviso.

By-laws, &c.

SECTION 8. The said corporation, and its successors, shall have power at all times to make by-laws, and such rules and regulations as may be deemed necessary for the well being of the corporation, and to alter, revoke and amend the same, from time to time, as shall be sanctioned by two-thirds of the members thereof, to be decided by ballot, by notice given as provided for in the second section of this act; and the corporation shall also have power to make, use, and have a common seal, and the same to break, alter and renew at pleasure; but such by-laws and ordinances shall not in any manner interfere with, alter, or affect the rights of any one qualified to vote by the third section of this act, nor contain any thing repugnant to the provisions of this charter, the constitution and laws of the United States, or of this commonwealth.

Seal.

Restrictions.

Revocation.

Construction.

SECTION 9. The charter of this corporation may at any time be altered and amended by the legislature, if desired by two thirds of the members thereof: *Provided however*, That nothing in this charter shall be so construed as giving said company any banking privileges.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

JNO. B. STERIGERE,

Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 346.

AN ACT

Regulating election districts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Counties of—
 the qualified voters of the township of Herrick, in the county of Brad- Bradford.
 ford, shall hereafter hold their general and township elections at the
 Herrick school house, near William Durand's, in said township.

SECTION 2. That the borough and township of Elizabeth, in the Allegheny.
 county of Allegheny, shall hereafter constitute two separate election and
 school districts, and the elections for said districts shall be held at the
 house of John Walker, in the borough of Elizabeth.

SECTION 3. That the qualified voters of the township of Chillisqua- Northumberland.
 que, in the county of Northumberland, shall hereafter hold their general
 and township elections at the house of William Shannon, in said
 township.

SECTION 4. That the township of Nether Providence, in the county Delaware.
 of Delaware, shall hereafter constitute an election district, and the
 qualified voters thereof shall vote at the Union school house, near the
 centre of said township.

SECTION 5. That the qualified voters of the township of Wysox, in Bradford.
 the county of Bradford, shall hereafter hold their general and township
 elections at the Wysox academy, in said township.

SECTION 6. That the qualified voters of the township of Rush, in the Susquehanna.
 county of Susquehanna, shall hereafter hold their general elections at
 the dwelling house now occupied by Nathan J. Sherwood, in said
 township.

SECTION 7. That the qualified voters of the township of Shade, in Somerset.
 the county of Somerset, shall hereafter hold their general and township
 elections at the house of Henry Fry, in said township.

SECTION 8. That the qualified voters of the township of Hebron, Potter.
 in the county of Potter, shall hereafter hold their general and township
 elections at the school house, number three, in said township.

SECTION 9. That the qualified voters of the borough of Milton, in Northumberland.
 the county of Northumberland, shall hereafter hold their general and
 borough elections at the house of Frederick Sticker, innkeeper, in said
 borough.

SECTION 10. That the qualified electors of the township of South- Somerset.
 ampton, in the county of Somerset, are hereby authorized to vote, and
 the inspectors are required to receive, at the general election to be held
 on the second Tuesday of October next, on which shall be printed or
 written the names of the places at which they desire that the general
 and township elections shall be held thereafter, stating distinctly and
 separately on said ticket the place designed for each of said elections;
 the general and township elections shall be held at such places as the
 majority shall have selected, and the returns of said elections shall be

delivered and filed in the office of the prothonotary of said county ; and the high sheriff of Somerset county is hereby required to embody this section in his next annual proclamation for holding the general election in said county.

Mercer.

SECTION 11. That all that part of Mahoning township, in the county of Mercer, situate and lying north of a line to be run, beginning on the Ohio state line, from three and one-half to four miles south of the north-west corner of Mahoning township, and running east to the Shenango creek, thence down said creek to the line dividing Mahoning and Nesheanock townships, is hereby erected into a new township, to be called Pulaski, with the power to elect the usual township officers, levy and collect taxes, and such other matters and things as are lawful and proper for townships to do; and the electors thereof shall hold their general and township elections at the school house, in the village of Pulaski, in said township; and all that part situated and lying south of said division line shall form the township of Mahoning, and the electors thereof shall hereafter hold their general and township elections at the school house, in the village of Edenburg, in said township, and it shall be the duty of the acting constables of Mahoning township, in the year eighteen hundred and forty-five, to give notice of the election to be held on the third Friday of March, one thousand eight hundred and forty-six, in each of said townships respectively, and the qualified electors of said township, between the hours of nine and twelve o'clock, A. M., of said day, in each of said townships respectively, when assembled at the place of holding said township elections, in case no officers shall have been elected, or shall attend for the purpose of holding said election, shall have power to choose such officers by election, in the manner in which they shall then and there determine; and the commissioners of the county of Mercer, are hereby authorized and required to have run and marked, by a competent surveyor, the said division line between said townships of Mahoning and Pulaski, so that as few tracts of land and sub-school districts shall be divided as the nature of the case may permit, and the expenses thereof to be paid out of the treasury of the county of Mercer.

**School district,
Mercer county.**

SECTION 12. That the townships of Mahoning and Pulaski aforesaid, be and the same are hereby erected into separate school districts, and as such shall have power to elect all school officers that other districts are by law authorized to elect.

Proviso.

SECTION 13. The said townships of Mahoning and Pulaski are hereby declared to be separate districts, in the assessment of taxes and collection of county rates and levies, as well as any other assessments that have heretofore been jointly made, and for all common school purposes, either in regard to the election of directors or levying taxes, or any other provisions contained in the school laws of this commonwealth in that behalf: *Provided*, That this and the two preceding sections, except so far as relates to the running and marking the division line between said townships of Mahoning and Pulaski, and the general election which shall be held in October next, as herein directed, shall not take effect until the first day of February next; and all taxes assessed before that time, shall be collected and applied in all respects according to the laws heretofore in force.

Mifflin.

SECTION 14. That the school directors of the borough of Lewistown, in the county of Mifflin, be required to permit Henry Eisenbise, of Derry township, in said county, to send his children to the public school in said borough.

SECTION 15. That the commissioners of the county of Cumberland **Cumberland.** be, and are hereby authorized to select and fix upon a place or places, in the borough of Carlisle, for holding all elections which were held at the court house in the said borough, until the erection and completion of a court house, where the elections thereafter shall be held.

SECTION 16. That the qualified electors of the township of Lebanon, **Wayne.** in the county of Wayne, be and they are hereby authorized to hold their general and special elections at the house of John Lincoln, in said township.

SECTION 17. That the qualified voters of the new township of North **Berks.** Heidelberg, in the county of Berks, shall hold their township and general elections at the public house owned by John Kalbach, in said township, and that Adam Kalbach shall be the judge, and John Gerhard and Jonathan L. Reber shall be the inspectors of the elections, until others are duly elected; and it shall be the duty of the commissioners of said county to appoint assessors of the township aforesaid, until others are duly elected.

SECTION 18. That the qualified electors residing within the borough **Philadelphia.** of Manayunk, in the county of Philadelphia, shall annually, at the time and place that they meet to elect borough officers, and judge and inspectors of elections, which shall hereafter be held on the third Friday instead of the first Monday of March, and conducted by the same officers, vote for school directors, assessors, and when necessary assistant assessors, and all other township officers, (except justices of the peace for Roxborough township;) and the judge and inspectors of said election shall meet the judge and inspectors of the town election for Roxborough township, on the first Monday succeeding such election, at the Leverington hotel, on the Ridge road, now in the occupancy of C. Hallowell, at ten o'clock, A. M., and the said judges and inspectors shall then and there add together the number of votes given at each of the above named polls for school directors, assessors, and the several township officers voted for, (except justices of the peace for Roxborough township,) and the persons having the highest number of votes shall be returned by said judges accordingly; and the said judges and inspectors shall make out and sign a certificate to each person elected a township officer, to be delivered by one of the constables of said township of Roxborough, according to existing laws: *Provided*, That one school director, one director of the poor, one supervisor of the highways, and one constable, voted for at each of the above named polls, shall reside within the limits of the said borough of Manayunk, and one of each of the last named officers voted for at each of the above named polls, shall reside without the limits of said borough.

SECTION 19. That the borough officers, now in office in the borough **Borough of** of Manayunk, shall be continued in office until their successors are **Manayunk.** elected.

SECTION 20. That the township election for township officers for **Roxborough tp.** Roxborough township, shall hereafter be closed at nine o'clock in the evening.

SECTION 21. That the qualified voters of the township of Allen, in **Northampton.** the county of Northampton, shall hereafter hold their general and township elections at the public house now occupied by George Audenreid, in said township.

SECTION 22. That the qualified voters of the township of South- **Franklin.** ampton, in the county of Franklin, shall hereafter hold their township

and general elections at the public house on the turnpike near the residence of John Kressler, in said township.

Clearfield. SECTION 23. That the qualified voters of the township of Burnside, in the county of Clearfield, shall hereafter hold their township and general elections at the house of John Young, in said township.

Berks. SECTION 24. That the qualified voters of the township of Carnarvon, in the county of Berks, shall hereafter hold their township and general elections at the Morgantown school house, in Morgantown, in said township.

Schuylkill. SECTION 25. That the qualified voters of the township of West Penn, in Schuylkill county, lying north of the Sharp mountain, shall hereafter vote with the qualified voters of the borough of Tamaqua, at the general elections.

Monroe. SECTION 26. That the qualified voters of the township of Price, in the county of Monroe, shall hereafter hold their general elections at the house of Eliza Price, at Price's mills, in said township.

Franklin. SECTION 27. That the qualified voters of the township of Greene, in the county of Franklin, shall hereafter hold general elections at the house now occupied by Charles M'Glaughlin, in Green Village; and the qualified voters of the township of Fayette, in the county of Franklin, shall hereafter hold their township and general elections at the house that the general elections have heretofore been held for the election district voting at Fayetteville, in said county; and the elections held in said townships for justices of the peace and township officers, on the twenty-first March, one thousand eight hundred and forty-five, are hereby legalized.

Westmoreland. SECTION 28. That the qualified voters of the township of Mount Pleasant, in the county of Westmoreland, shall hereafter hold their township elections at the house of Peter Blystone, in said township.

Greene. SECTION 29. That the qualified voters of the township of Jackson, in the county of Greene, shall hereafter hold their township and general elections at the house of Gilbert Thomas, in said township.

Tioga. SECTION 30. That the qualified voters of the township of Westfield, in the county of Tioga, shall hereafter hold their township and general elections at the house of David Close, in said township.

Potter. SECTION 31. That the qualified voters of the township of West Branch, in the county of Potter, shall hold their general elections at the house of Lemuel Hammond, in said township.

Adams. SECTION 32. That the qualified voters of the township of Conewago, in the county of Adams, shall hereafter hold their general and township elections at the house of John Busby, innkeeper, in said township.

Cambria. SECTION 33. That the qualified voters of the township of Cone-maugh, in the county of Cambria, shall hereafter hold their general and township elections at the school house number thirteen, in said township.

Perry. SECTION 34. That the qualified voters of the township of Juniata, in the county of Perry, shall hereafter hold their township and general elections at the house of Jeremiah Raffensperger, in said township.

Indiana. SECTION 35. It is hereby made the duty of the commissioners of the county of Indiana, as soon as convenient may be after the passage of this act, to have run and marked, by a competent surveyor, a line, commencing at the line between the counties of Armstrong and Indiana, at the junction of the line dividing school district number two and three,

in Mahoning township, Indiana county, thence east to Montgomery township line; and also, a line, commencing on the line between Indiana and Jefferson counties, at the junction of the line dividing schools number five and twelve, in said Mahoning township, thence south to the line of Washington township, in said county of Indiana; and that the south-west division of said township of Mahoning, divided as aforesaid, shall form a separate and distinct township, and be called South Mahoning, and the qualified electors thereof shall hold their general, township and special elections, at the house of David Wynekoop, in said township of South Mahoning; the north-west division of Mahoning township, shall also form a separate township, and be called West Mahoning, and the qualified voters thereof shall hold their general, special and township elections, at the house of Hezekiah Crissman, in the town of Smicksburg, in said township of West Mahoning; the north-east division of said township of Mahoning shall form a separate and distinct township, and be called North Mahoning, and the qualified voters thereof shall hold their general, special and township elections, at the house of George Mogle, in said township of North Mahoning.

SECTION 36. The south-east division of said township of Mahoning shall form a separate township, and be called East Mahoning, and the qualified voters thereof shall hold their general, special and township elections, at the house of Widow Ayres, in said township of East Mahoning; and the expenses of running and marking said lines, shall be paid out of the treasury of the county of Indiana.

SECTION 37. That the townships of South, West, North, and East S., W., N. and E. Mahoning as aforesaid, be and the same are hereby erected into separate Mahoning townships, to have and enjoy all the rights, powers and privileges in common with other townships in the county of Indiana; and the qualified electors in the aforementioned townships shall hold their township or spring elections on the first Friday of February in each and every year; and it shall be the duty of the constable of Mahoning township to give due notice of the time when the qualified voters of the townships of South, West, North, and East Mahoning shall hold their first township elections; and the qualified electors of the aforesaid townships having met in their respective townships at the place and time aforesaid, shall, at twelve o'clock M. elect, out of their own number, one judge and two inspectors, whose duty it shall be to hold and conduct said election: *Provided*, That nothing contained in the provisions of this act shall in any manner affect the collection of any taxes now laid and due, that have been assessed for any purpose in the aforesaid townships; and that the provisions of this act in this and the two preceding sections, shall not take effect before the first Friday in February, one thousand eight hundred and forty-six, except so much as relates to the constable of Mahoning township.

SECTION 38. That the qualified voters of the township of Wyalusing, in the county of Bradford, shall hereafter hold their township and general elections at the house of John Taylor, in said township.

SECTION 39. That the qualified voters of the township of Springfield, in the county of Bradford, shall hereafter hold their township and general elections at the house of D. D. Black, in said township.

SECTION 40. That the qualified voters of the township of Silver Lake, in the county of Susquehanna, shall hereafter hold their general elections at the dwelling house now occupied by Robert M'Gerigle, in said township.

Luzerne. SECTION 41. That the qualified voters of Butler township, in the county of Luzerne, shall hereafter hold their general and township elections at the house of Abraham Drum, in said township.

Luzerne. SECTION 42. That the qualified voters of the township of Exeter, in the county of Luzerne, shall hereafter hold their general and township elections at the school house in sub-district, number six, in said township.

Dauphin. SECTION 43. That the qualified voters of Derry township, Dauphin county, shall hereafter hold their township elections at the public house of Martin Hocker, Cross Roads, in said township.

Dauphin. SECTION 44. That the qualified voters of Rush township, Dauphin county, shall hereafter hold their general and township elections at school house number three, in said township.

Sec. 9, act Feb. 18, 1845, continued. SECTION 45. That the provisions of the ninth section of the act of assembly passed the eighteenth day of February, eighteen hundred and forty-five, entitled "An Act regulating election districts," be and the same are hereby continued and extended to the second Friday of February, eighteen hundred and forty-six, and that the qualified electors of the borough of Lock Haven shall, on said day, proceed to their election as is contained and declared in said ninth section.

Lycoming. SECTION 46. That from and after the passage of this act, the qualified voters of the election district composed of Nippenose township, Porter township, and the borough of Jersey Shore, in Lycoming county, shall hereafter hold their general election at the house of Samuel G. Allen, in the borough of Jersey Shore.

Huntingdon. SECTION 47. That the qualified voters of Union township, in the county of Huntingdon, shall hereafter hold their general and township elections at the school house near William Smith's, in said township.

Westmoreland. SECTION 48. That the incorporated parts of the borough of Mount Pleasant, in the county of Westmoreland, shall hereafter no longer be connected with Mount Pleasant or East Huntingdon townships, in assessments for the support of the poor, but the citizens of said borough shall hereafter choose their own overseers, and support their own poor apart from said townships, agreeably to the existing laws or such as may hereafter be enacted; and from and after the passage of this act, Samuel Shupe and Abraham ShalleMBERGER, of said borough, are constituted overseers of the poor thereof till the spring election in eighteen hundred and forty-six, at which election, and annually thereafter, the qualified votes of said borough shall elect two suitable persons for overseers of the poor thereof: *And be it also further enacted,* That the office of high constable of said borough shall be executed by the person elected constable therein for the service of civil process, subject to all duties and responsibilities imposed by law; and that the citizens of the said borough of Mount Pleasant shall, at their next election for constable, and annually thereafter, elect one auditor for the term of three years; and the terms of office of the present auditors of said borough shall expire as follows: One at the time of electing a constable in said borough, in the year one thousand eight hundred and forty-six; one in one year thereafter; and one in two years thereafter, to be determined by lot between the said present auditors.

Montgomery. SECTION 49. That the qualified electors of Upper Hanover township, Montgomery county, are hereby authorized to hold an election at the public house late of Samuel M'Nulty, deceased, in said township, on Saturday the twenty-fourth day of May, one thousand eight hundred and forty-five, and then and there, between the hours of ten o'clock in

the forenoon, and six o'clock in the afternoon of said day, determine by ballot at what place the general elections in said townships shall thereafter be held, of which the constable shall give at least ten days notice, by ten or more written or printed notices put up at the most public places in said township; and at such election, such qualified electors shall vote a written or printed ticket headed "place of election," folded so as to exhibit said words, with the name of the person at whose house he desires the election to be held to be concealed from view by such folding; and when the election is closed, the said tickets shall be counted, and if a majority of all the votes polled shall be given in favor of holding the general elections at one house, a return of such election shall be made and filed as returns of the elections of constables, and thereafter the general elections shall be held at the house for which a majority of votes shall be given; if no house shall receive a majority of votes at such election, the constable of said township shall give a like notice as aforesaid, to hold a second election at the place above mentioned, to determine the place of holding the said general elections, on Saturday the twenty-first day of June, one thousand eight hundred and forty-five, between ten o'clock in the forenoon, and six o'clock in the afternoon of said day, at which election the said electors shall, in manner aforesaid, vote for one of the two persons who received the highest number of votes at the preceding election, and no votes given for any other person shall be counted; and when such election is closed, the votes shall be counted and a return thereof made and filed as aforesaid, and thereafter the general elections of said township shall be held at the house then occupied by the person who shall receive the greatest number of votes given for the two persons who received the highest number of votes at the former election, and the said elections shall be held and conducted in the same manner, in all respects, and by the same persons who are authorized by law to hold and conduct the elections for constables, and any law hereby altered, is hereby repealed.

SECTION 50. That it shall be lawful for the person elected constable Butler. of the township of Middlesex, in the county of Butler, at the last election, to be sworn in and to serve as constable of said township, notwithstanding his former tenure of said office for two years.

SECTION 51. That so much of the fifty-eighth section of an act, entitled "An Act concerning election districts," passed the eleventh day of April, one thousand eight hundred and twenty-five, as includes within the boundaries of the Loudon election district, in the county of Franklin, established by said section, a portion of Metal township, be and the same is hereby repealed; and the qualified citizens, residing Franklin. within said portion of said Metal township, shall hereafter at all general and township elections, vote at the same place at which the other citizens of the said township of Metal are authorized by law to vote. Repeal.

SECTION 52. That the qualified voters of the township of Milford, Somerset. in the county of Somerset, are hereby authorized to vote, and the inspectors are required to receive, at the general election to be held on the second Tuesday of October next, a ticket, on which shall be written or printed the names of the places at which they desire that the general and township elections shall be held thereafter, stating distinctly and separately on said ticket the place designated for each of said elections; the general and township elections shall be held at such places as the majority shall have selected, and the returns of said elections shall be delivered and filed in the office of the prothonotary of said county, and the high sheriff of the county of Somerset is hereby required to embody this section in his next annual proclamation for holding the general election in said county.

- Luzerne.** SECTION 53. That the qualified voters of Lake township, in the county of Luzerne, shall hereafter hold their general and township elections at the house of Josiah Kocher, in said township.
- York.** SECTION 54. That the qualified voters of the township of Springfield in the county of York, shall hereafter hold their general and township elections at the public house of Joseph Hartman, in said township.
- York.** SECTION 55. That the qualified voters of the township of Hellam in the county of York, shall hereafter hold their general and township elections at the public house now occupied by John Wilson, in said township.
- Lycoming.** SECTION 56. That the qualified voters of that portion of Cascade township, Lycoming county, that formerly voted at the Lewis township district, may still continue to hold their general election at the said district as heretofore, any law to the contrary notwithstanding.
- Washington.** SECTION 57. That the general and township elections heretofore held in the College edifice, in the borough of Cannonsburg, and county of Washington, shall hereafter be held in the town hall, in the said borough of Cannonsburg.
- Dauphin.** SECTION 58. That the election for borough officers for the town of Dauphin, in the county of Dauphin, held on Friday, the twenty-eighth day of March last, is hereby declared to be as legal and valid as if the notice of said election, required by the act of incorporation, had been given.
- Armstrong.** SECTION 59. That from and after the passage of this act, all that part of Sugar Creek township, in Armstrong county, bounded as follows, to wit: Beginning at a point on the Allegheny river, where the line dividing Perry and Sugar Creek townships stretches the same; thence by the line of Perry township to the Butler county line; thence by the Butler county line to the house of Daniel Kemerer, or near it; thence by a direct line to the Allegheny river, at the mouth of Snyder's run, on the farm of Thomas Templeton, and thence by the Allegheny river to the place of beginning, shall be a separate township, and called Brady's Bend: and the citizens thereof are hereby authorized to hold the general and township elections at the house now occupied by John R. Johnston: And further, the said citizens are authorized to elect township officers, as is provided for other townships, at a special election to be held on Saturday, the fifth day of July next ensuing the passage hereof, to hold their offices until the next annual spring election; also, to elect at the same time two justices of the peace for said township, which election shall be held at the house of John R. Johnston; and the constable of Sugar Creek township is hereby required to give ten days notice of the same, at three or more of the most public places in the township of Brady's Bend.
- Butler.** SECTION 60. That all that portion of the township of Parker, in the county of Butler, which lies west of a line commencing at the Donegal township line, between the tracts of John B. M'Connel and Lewis Emerick, and thence running northwardly between those two ranges of tracts, to the Venango township line, in said county, is hereby erected into a new township, and shall be called "Washington," and shall have power to elect the usual township officers, and to levy and collect taxes, and to do such other matters as are lawful for townships to do; and the electors thereof shall hold their general and township elections at the house owned by John Jack, in North Washington, and David Shira shall be the judge, and John Jack and Philip Varnum the inspectors, to conduct the general election in October next; and all that portion of said

township of Parker, which lies east of said division line, shall form the township of Parker, and the general and township elections thereof shall be held at the house of John Martin, in Martinsburg: *Provided*, That this section, except so far as it relates to the general election, which shall be held in October next, in said new township, as therein directed, shall not take effect until the first day of February next, and all taxes assessed before that time shall be collected and applied, in all respects, according to the laws heretofore in force.

SECTION 61. That until otherwise directed by law, the counties of Warren, M'Kean Warren, M'Kean and Elk, shall jointly compose a representative dis- and Elk, a repre-
trict, and shall elect one person as a representative to the legislature; sentative district.
and until otherwise provided by law, the counties of Warren, Clarion, Warren, Clarion,
Jefferson, Potter, M'Kean and Elk, shall compose one senatorial dis- &c. a senatorial
trict, and elect one senator; and until otherwise directed by law, the district.
counties of Erie, Warren, M'Kean, Potter, Clarion, Jefferson and Elk, 23d congress-
shall compose the twenty-third congressional district, and elect one sional district.
member of congress.

SECTION 62. That the qualified voters of "Wapwallopen" township, Luzerne.
in the county of Luzerne, shall hereafter hold their general and township
elections at the house of Absalom Heller, in said township; and the
qualified voters of said township are hereby authorized to hold a special
election on the thirty-first day of May next, to elect township officers
for the ensuing year, at the above named place, and that Philip Meixell
be the judge, and John Fenstermaker and John M. Heller be the
inspectors, to hold the election in said township for the ensuing year.

SECTION 63. That hereafter the qualified electors of the township of Cambria.
Jackson, in the county of Cambria, shall hold their general and town-
ship elections at the house of Charles Dillen, in said township.

SECTION 64. That the qualified electors of the township of Decatur, Clearfield.
in the county of Clearfield, shall hereafter hold their general and town-
ship elections at the house of Isaac Gost, in said township.

SECTION 65. That so much of the act, entitled "An Act to incor- Schuylkill.
porate the town of Schuylkill Haven, in the county of Schuylkill, into
a borough," passed the eleventh day of June, eighteen hundred and
forty, as directs that their borough elections shall be held on the second
Tuesday in June, be and the same is hereby repealed, so far as relates
to the election of constable, assessor, assistant assessor, justices of the
peace, inspectors and judges for holding the general elections; and that
said elections be hereafter held under the provisions of the second sec-
tion of the act, entitled "A supplement to the general acts incorporating
the borough of Pottsville, and for the election of borough and township
officers," passed the nineteenth day of February, eighteen hundred and
forty-five; and that the elections of all officers elected in the said
borough, on the fourth Friday of February last, be and the same are
hereby confirmed.

SECTION 66. That the borough of Athens, in the county of Bradford, Bradford.
shall be a separate election district, and the qualified voters thereof
shall hold their general election at the house of Elias S. Mathewson, in
said borough.

SECTION 67. That the qualified citizens of the several sub-school Mercer.
districts in the county of Mercer, shall annually hereafter elect a sub-
committee, as directed by the existing school laws of this common-
wealth, on the first Friday in April.

Lancaster.

SECTION 68. That the qualified voters of Lancaster township, in the county of Lancaster, shall hereafter hold their general and township elections at the house of Jacob Graeff, in said township.

Sec. 36, act of
Feb. 18, 1845,
repealed.

SECTION 69. That the thirty-sixth section of the act regulating election districts, approved the eighteenth day of February, one thousand eight hundred and forty-five, is hereby repealed; and that the place of holding the general and township elections of Peters township, shall be determined by a vote of the qualified electors of said township, at the next general election, in the manner that elections are conducted to change the place of holding township elections.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 347.

AN ACT

Conferring the privileges of stockholders on certain creditors of the Philadelphia and Reading railroad company.

Voters.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all holders of certificates of loan, or other evidences of debt under the corporate seal of the Philadelphia and Reading railroad company, shall be entitled to vote at all meetings of stockholders, and at all elections of officers of said company, in person or by proxy, in like manner as the stockholders are or shall be entitled to vote, subject to the provisions hereinafter contained.

Restriction.

SECTION 2. That no certificate, or other evidence of debt as aforesaid, shall confer a right of suffrage which shall not have been holden by the person offering to vote on the same three calendar months prior to the day of meeting for election, nor unless it shall be holden by the person offering to vote upon it absolutely and bona fide in his own right, or in that of his wife, or for his or her sole benefit, or as executor or administrator, trustee or guardian, or in the right and for the use and benefit of some co-partnership, corporation or society, of which he or she may be a member, and not in trust for and to the use and benefit of any other person.

Registry.

SECTION 3. That the president and managers of said company shall have power to make and ordain, from time to time, such rules and regulations as they shall deem expedient for registering the certificates and other evidences of debt as aforesaid of said company, and the

nes of the holders respectively, so as to ascertain the right to vote in same.

SECTION 4. That the number of votes to which each holder of cer- Votes propor-
tates of loan, or other evidences of debt under the corporate seal of tioned.
d company, shall be entitled, shall be ascertained by computing each
o hundred dollars of indebtedness, evidenced by such certificates, or
er evidences of debt, to be equal to one share of stock, so that the
lder of such certificates, or other evidences of debt, to the amount in
e whole of one thousand dollars, or two hundred and ten pounds
erling, shall be entitled to five votes, and so in proportion for any
eater or less amount.

SECTION 5. That so much of the act incorporating the said company Repeal.
provides a scale of votes, be and the same is hereby repealed; and
ereafter each holder of stock in the said company shall, at all meetings
elections thereof, be entitled to one vote for each share of stock on
hich he shall be entitled to the right of suffrage.

SECTION 6. That the provisions of this act shall not have effect, un- Assent to this act.
ss the same shall be accepted by the said company, with the assent of
e holders of a majority in number of all the shares of stock in the
ame, which assent shall be evidenced by their voting in favor of such
acceptance at a general meeting of said company, to be called by the
resident and managers of said company, for the purpose of considering
he provisions of this act, of which meeting at least three months notice
hall be given by the president and secretary, on behalf of the president
and managers, by the advertisement in at least five public newspapers;
and at such meeting no stockholder shall be permitted to vote, who shall
ot have held the stock on which he shall offer to vote for three months
ext preceding said meeting.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, A. D., one thousand eight
hundred and forty-five.

FRS. R. SHUNK.

No. 348.

AN ACT

To increase the revenues and diminish the legislative expenses of the commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That hereafter no private act of assembly, hereinafter described and taxed, shall be enrolled in the office of the secretary of the commonwealth, or published, or have the force and effect of law, until the party asking and requiring the same shall have paid into the treasury of the commonwealth the following sums, to wit:

Taxes on private acts.

On bank charters.

On every law incorporating or chartering any bank, with a capital not exceeding two hundred thousand dollars, the sum of two hundred dollars.

With a capital over two hundred thousand dollars, and not exceeding four hundred thousand dollars, four hundred dollars.

With a capital over four hundred thousand dollars, and not exceeding six hundred thousand dollars, the sum of five hundred dollars.

With a capital over six hundred thousand dollars, and not exceeding one million dollars, eight hundred dollars.

With a capital over one million dollars, the sum of one thousand dollars.

Iron, coal or manufacturing cos.

On every law incorporating or re-chartering any iron, coal or manufacturing company, the sum of two hundred dollars.

Canal, R. R. and insurance cos.

On every law for the incorporation of any canal, railroad company, or insurance company, except mutual insurance companies, the sum of one hundred dollars.

New counties.

On every law for the erection of a new county, the sum of two hundred and fifty dollars.

Renewing or extending charters by courts.

On every law granting corporate powers, or extending or renewing corporate powers in any case, where the authority to grant such powers is or may be vested by law in any court of this commonwealth, the sum of fifty dollars.

Idem.

On every law chartering, renewing or extending the charter of any savings institution or bank of deposit, the sum of one hundred dollars.

Divorces.

On every law of divorce from the bonds of matrimony, passed on the application of a husband, the sum of twenty dollars.

Private estates or corporations.

On every law relating to a private estate, wherein the courts may have power to grant the relief, the sum of twenty-five dollars; and on every law chartering, renewing or extending the charter of any private corporation, other than those hereinbefore mentioned, including mutual insurance companies, the sum of ten dollars.

Changing names.

On every law changing the name of any person or corporation, the sum of ten dollars; on every other private act where the courts may have power to grant the relief, the sum of twenty-five dollars.

SECTION 2. That no theatrical exhibition or exhibitions of circus Licenses, public performances, or menageries shall hereafter be allowed in this commonwealth, without a license from the state; and the treasurer of any county shall have authority to grant licenses, under his hand and the seal of the proper county, for such exhibition on the payment of the following sums, to wit : amusements.

For every theatre or circus in the city or county of Philadelphia, Idem. the sum of two hundred dollars; and for every theatre or circus in the county of Allegheny, the sum of one hundred dollars; and for every theatre or circus in any other county in this commonwealth, the sum of fifty dollars; for every menagerie, the sum of forty dollars: *Provided,* Proviso. That the provisions of this act shall not exempt any circus, theatre or menagerie, from payment of such taxes as may be imposed upon them by any city or borough in this commonwealth: *Provided,* That a license granted by the treasurer of any county, shall entitle the party receiving the same, to make such exhibitions in any part of the state, for the period of one year: *And provided further,* That no circus or theatre which shall obtain a license out of the county of Philadelphia or the county of Allegheny, shall be permitted to make such exhibitions within the said counties, without paying into the treasury of the said counties, for the use of the state, such additional sum as will make the whole amount paid equal to the sum hereinbefore required for such license in said counties respectively; and if any person or persons, Penalty. shall attempt to exhibit or perform as aforesaid, in any of the counties of this commonwealth, without having first obtained a license, according to the provisions of this section, he or they so offending shall be liable to indictment, and on conviction thereof, shall forfeit, and pay for every such offence a sum not less than one hundred dollars nor greater than one thousand dollars, in the discretion of the court, to be paid into the treasury of the county wherein such conviction shall take place.

SECTION 3. That nothing contained in the act, entitled "An Act to Construction of reduce the state debt, and to incorporate the Pennsylvania canal and act of 29th April, 1844. railroad company," passed the twenty-ninth of April, one thousand eight hundred and forty-four, shall be construed to repeal any law or laws of this commonwealth, imposing a tax on collateral inheritances, a tax on bank dividends, and a tax on writs.

SECTION 4. That hereafter all the public loans and stocks issued by Public loans and this commonwealth, shall be subject to and pay a tax for the use of the stocks. commonwealth, at the rate of one-half mill on each and every dollar of the par value thereof, on which one per cent. per annum of interest shall accrue to the holder or holders thereof, and an additional half mill on every dollar of the par value thereof, for every additional one per cent. per annum of interest, which shall accrue to the holder or holders thereof: *Provided, however,* That the amount of such tax shall Proviso. not at any time be demandable or collectable from such holder or holders, but shall be retained and deducted by the state treasurer, from and out of any semi-annual or other payment or payments of the interest accruing as aforesaid; in such proportion, however, as the amount of any such payment or payments shall respectively bear to the whole amount of the annual interest accruing on such loans or stock.

SECTION 5. That for the purpose of securing the tax now authorized by law to be assessed on wholesale dealers and retailers of merchandize, the courts of common pleas of the counties of Allegheny and Philadelphia respectively, are hereby authorized and empowered to appoint, within thirty days from the date of the passage of this act, and annually in the month of January thereafter, a person of suitable qualifications in each

Appraiser of mercantile taxes. of said counties, who shall be styled the "appraiser of mercantile taxes," whose duty it shall be to ascertain and assess all the dealers as aforesaid, in accordance with the provisions of the several acts of assembly regulating the tax upon venders of merchandize; and the said appraiser shall take an oath or affirmation to discharge his duties faithfully and impartially.

His duties. SECTION 6. It shall be the duty of said appraiser to prepare a list of all the dealers as aforesaid, in the county for which he shall be appointed, arranging them in their several classes, and he shall furnish to each of the persons or firms so assessed, a written or printed notice of their several classifications, giving notice to each at the same time of the place and time at which appeals may be made from said classifications; and for such service the appraiser shall be paid for each certificate of license, the sum of twenty-five cents, to be paid by the proper city or county treasurer, as hereinafter directed.

Appeal. SECTION 7. Upon the request of any person or firm, who may allege that he is not properly assessed, it shall be the duty of the appraiser to administer an oath or affirmation, and interrogate him as to the amount of his sales for the previous year, and if the appraiser shall be satisfied upon such investigation that such person or firm is not properly assessed, he shall increase or reduce the assessment, as the case may be; and in all cases the persons or firms so assessed, if they are dissatisfied with the decision of the appraiser, shall have the right of appeal to the judges of the court of common pleas of the proper county, who shall in such case finally determine the same.

List of dealers to county treasurer and auditor general. SECTION 8. The appraisers so appointed shall furnish to the treasurer of the proper city or county, a certified list of the dealers aforesaid, with the classification as made out by them or determined by the judges of the court on appeal, as aforesaid; and the said treasurer shall, within twenty days thereafter, transmit to the auditor general a copy of such list, and shall receive and collect, together with the fees of the appraiser and his own fee, the sums to be paid by such dealers for their licenses, in the manner directed by law.

Notice under section 8. SECTION 9. The notice provided for in the eighth section of this act shall be given prior to the first day of May; and the day of appeal shall be not later than the fifteenth day of the same month.

Duties of county auditors. SECTION 10. It shall be the duty of the county auditors of the several counties of this commonwealth, at the time of their meeting, to audit the accounts of the county treasurers, to examine the dockets, records and offices of the several prothonotaries, registers and recorders of their respective counties, and audit and settle the accounts of such officers for all taxes and other dues to the commonwealth, received by them; and if it shall appear that there is any balance due and owing by any such officers to the commonwealth, it shall be the duty of the said auditors to certify the same to the treasurer of the proper county, which certificate shall be prima facie evidence of such indebtedness; and thereupon it shall be the duty of such treasurer to demand, and he is hereby authorized to receive such balance, and in case the same remains unpaid for the period of thirty days after such demand by him made, forthwith to cause an action of debt, in the name of the commonwealth, to be brought upon the bond of any such officer, in which action, if there be judgment had for the commonwealth, such judgment shall be entered for the amount which may appear to be due from such officer to the commonwealth, together with interest from and after the date of the auditors' certificate, at the rate of twelve per centum per annum and costs; and there shall be no stay of execution or other stay on such

Duties of county treasurer.

judgment: *Provided*, That the county auditors of the several counties of this commonwealth shall, at their next annual meeting to audit the accounts of the respective county treasurers, audit, examine and settle the accounts of the several prothonotaries, registers and recorders of the respective counties, for the years eighteen hundred and forty-one, eighteen hundred and forty-two, eighteen hundred and forty-three, and eighteen hundred and forty-four, and shall certify to the auditor general, any and all balances they shall find to be due to the commonwealth from the said officers for said years, and the auditor general shall give information thereof to the state treasurer, who shall proceed to collect such balances in the manner provided by this act, for collecting balances due the commonwealth by defaulters.

SECTION 11. In all actions brought under the provisions of the preceding sections of this act, the county treasurers may employ one or more attorneys at law, to prosecute the same, at an expense not exceeding three per centum on the moneys recovered, to be paid thereout. County treasurers may employ attorney.

SECTION 12. That hereafter it shall be lawful to commence and prosecute to final judgment and execution, in the court of common pleas of Dauphin county, suits against any and all persons who are or may hereafter be officers of any description whatsoever within this commonwealth, appointed by the governor, or by the board of canal commissioners, or elected by either house of the legislature, or by both houses in joint ballot, and who shall become defaulters in not paying over or accounting for money in their hands, due and belonging to the commonwealth, and against their sureties, in the same manner, and with like effect, as if the said defaulting persons and officers and their sureties were residents of the said county of Dauphin; and for this purpose, all necessary writs of summons, writs of fieri facias, writs of fieri facias with clause of attachment, to attach debts owing and stocks, as practiced in other cases, and writs of venditioni exponas, and alias and pluries writs of the same kind, may issue from said court into any county, and at the same time, if deemed necessary, into the several counties of this commonwealth, there to be transmitted by mail to the sheriff or coroner, as the case may require, whose duty it shall be to execute the same, and make return thereof in the same manner as is now practiced in relation to testatum writs. Prosecution of defaulting officers in Dauphin co.

SECTION 13. That in all cases where judgments may be obtained in said county of Dauphin, under the provisions of this act, certified transcripts of the docket entries thereof may be entered, at the instance of the state treasurer, in the court of common pleas of any other county or counties, wherein he believes any such defendants may own real estate, and the same shall, from the date of such entry, be a lien upon all the real estate of the defendants situate in such county or counties, in the same manner and with like effect as if the said real estate were situate in the county of Dauphin; and as soon as the amount of such judgment shall be paid, the said state treasurer shall cause satisfaction to be entered thereon on the payment of all costs by the defendants. Transcripts.

SECTION 14. That the state treasurer and auditor general are hereby authorized and required, as often hereafter as any defalcation of any officer as aforesaid may occur, to commence suits in the said court of common pleas of the county of Dauphin, in the manner prescribed in the preceding sections of this act, against all such officers who may appear, from the records of their departments, to be defaulters, in failing to pay over to the treasury of this commonwealth, and their sureties, all or any sums of money in their hands, due and belonging to the common- Duties of treasurer and auditor general, in cases of defalcation.

Proviso.

wealth, and shall prosecute each and all of said suits with the utmost despatch, to final judgment and execution: *Provided*, That suits shall not be commenced in cases where the auditor general and state treasurer shall designate the said parties as being insolvent.

Expense.

SECTION 15. That the said officers shall not incur any expense for professional services, exceeding three per cent. on the sums actually collected and received into the treasury, from suits brought under the provisions of this act.

Of suits against such as are now defaulters.

SECTION 16. That the state treasurer and auditor general are hereby authorized and required, within six months after the passage of this act, to cause suits to be brought against all persons and their sureties, in the court of common pleas of said county of Dauphin, who are now defaulters to the commonwealth, and were officers or sureties, such as are mentioned in the twelfth section of this act, and against all county officers and their sureties, who are now defaulters in the several counties, where such defaulters reside, except in cases where the state treasurer and auditor general shall deem said defaulters and their sureties insolvent; and said suits shall be speedily prosecuted to judgment and execution: *Provided*, That if any such defaulters or their sureties shall, within the said six months, settle and pay to the said treasurer, the amounts due to the commonwealth by them, respectively, the said state treasurer is hereby authorized to receive in payment from them, certificates of Pennsylvania state loans, certificates issued to domestic creditors, or certificates issued for interest on the state loan, at their par value, which certificates, when so paid in, shall be cancelled.

Embezzlement.

SECTION 17. That if any officer within this commonwealth, charged with the collection, safe-keeping, transfer or disbursement of public money, shall convert to his own use in any way whatever, or shall use, by way of investment in any kind of property or merchandize, or shall loan with or without interest, any portion of the public money entrusted to him for collection, safe-keeping, transfer, or disbursement, or shall prove a defaulter and fail to pay over the money committed to his care, when thereunto legally required by the state treasurer, or other proper officer, every such act shall be decreed and adjudged to be an embezzlement of so much of said money as shall be thus taken, converted, invested, used, loaned or unaccounted for, which is hereby declared a felony; and every such officer, and every other person or persons, whosoever aiding and abetting, or being in any way accessory to said act, being thereof convicted in any court of competent jurisdiction within said commonwealth, shall be sentenced to imprisonment in the penitentiary for a term of not less than six months nor more than five years, and also, to pay a fine equal to the amount of money embezzled.

Penalty.

Report of state treasurer.

SECTION 18. That it shall be the duty of the state treasurer, annually hereafter, within ten days after the meeting of the legislature, to report to the senate and house of representatives, the names of all persons who are then defaulters to the commonwealth, together with the nature and amount of such default; and the said treasurer shall also communicate to the attorney general, the names and residence of all defaulters, with the amount of their defalcation.

Auditor general to furnish treasurer with copies of reports and accounts.

SECTION 19. That it shall be the duty of the auditor general to place in the hands of the state treasurer, certified copies of all the reports and accounts on file in his department, of the commissioners appointed by the governor of this commonwealth, under the provisions of the act passed the fourth day of March, one thousand eight hundred and forty-

one, entitled "An Act to establish an asylum for the insane of this commonwealth;" and the said treasurer shall cause suit or suits to be brought in the name of the commonwealth, against the said commissioners, in the court of common pleas of Dauphin county, for the recovery of the whole amount of money or property received by them, or such part thereof as shall be just and equitable, for any abuse in the exercise of their trust, under the provisions of the said act, and prosecute the same to final judgment and execution, or take such other measures in the premises as he may deem advisable; and all writs mentioned in the twelfth section of this act, may be issued to any sheriff or coroner of the county where either of said commissioners may reside, and shall be served, by such officer, as other writs; and in any suit brought against said commissioners a verdict and judgment may be rendered against one or more of said commissioners, as the justice of the case may require.

SECTION 20. That it shall be lawful for the executors of the will of John Wiggins, deceased, late of the county of Dauphin, or for either of them, to pay to the register for the probate of wills, &c., in the said county of Dauphin, the collateral inheritance tax on the real estate, devised or left by said deceased, the same being situate in several counties of this commonwealth, and the same shall be in full of all claims of the commonwealth of Pennsylvania, on the estate of said deceased, for collateral inheritance tax; and in estimating the amount of said tax, the said register shall take, as the estimate of the value of the said real estate, the amount at which the said real estate was assessed in the assessment of the year one thousand eight hundred and thirty, and deducting from the assessed value of the different properties respectively, the amount of principal of the debt or debts which have, since the death of said deceased, been paid by the executors, or either of them, out of the proceeds of said properties respectively.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

Proviso.

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Of suits against such as are now defaulters.

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SECTION 17. That if any officer within this commonwealth, charged with the collection, safe-keeping, transfer or disbursement of public money, shall convert to his own use in any way whatever, or shall use, by way of investment in any kind of property or merchandize, or shall loan with or without interest, any portion of the public money entrusted to him for collection, safe-keeping, transfer, or disbursement, or shall prove a defaulter and fail to pay over the money committed to his care, when thereunto legally required by the state treasurer, or other proper officer, every such act shall be decreed and adjudged to be an embezzlement of so much of said money as shall be thus taken, converted, invested, used, loaned or unaccounted for, which is hereby declared a felony; and every such officer, and every other person or persons, whomsoever aiding and abetting, or being in any way accessory to said act, being thereof convicted in any court of competent jurisdiction within said commonwealth, shall be sentenced to imprisonment in the penitentiary for a term of not less than six months nor more than five years, and also, to pay a fine equal to the amount of money embezzled.

Penalty.

Report of state treasurer.

SECTION 18. That it shall be the duty of the state treasurer, annually hereafter, within ten days after the meeting of the legislature, to report to the senate and house of representatives, the names of all persons who are then defaulters to the commonwealth, together with the nature and amount of such default; and the said treasurer shall also communicate to the attorney general, the names and residence of all defaulters, with the amount of their defalcation.

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SECTION 19. That it shall be the duty of the auditor general to place in the hands of the state treasurer, certified copies of all the reports and accounts on file in his department, of the commissioners appointed by the governor of this commonwealth, under the provisions of the act passed the fourth day of March, one thousand eight hundred and forty-

one, entitled "An Act to establish an asylum for the insane of this commonwealth;" and the said treasurer shall cause suit or suits to be brought in the name of the commonwealth, against the said commissioners, in the court of common pleas of Dauphin county, for the recovery of the whole amount of money or property received by them, or such part thereof as shall be just and equitable, for any abuse in the exercise of their trust, under the provisions of the said act, and prosecute the same to final judgment and execution, or take such other measures in the premises as he may deem advisable; and all writs mentioned in the twelfth section of this act, may be issued to any sheriff or coroner of the county where either of said commissioners may reside, and shall be served, by such officer, as other writs; and in any suit brought against said commissioners a verdict and judgment may be rendered against one or more of said commissioners, as the justice of the case may require.

SECTION 20. That it shall be lawful for the executors of the will of John Wiggins, deceased, late of the county of Dauphin, or for either of them, to pay to the register for the probate of wills, &c., in the said county of Dauphin, the collateral inheritance tax on the real estate, devised or left by said deceased, the same being situate in several counties of this commonwealth, and the same shall be in full of all claims of the commonwealth of Pennsylvania, on the estate of said deceased, for collateral inheritance tax; and in estimating the amount of said tax, the said register shall take, as the estimate of the value of the said real estate, the amount at which the said real estate was assessed in the assessment of the year one thousand eight hundred and thirty, and deducting from the assessed value of the different properties respectively, the amount of principal of the debt or debts which have, since the death of said deceased, been paid by the executors, or either of them, out of the proceeds of said properties respectively.

Of collateral inheritance tax on estate of John Wiggins, dec'd.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 349.

AN ACT

Concerning certain sheriffs and coroners sales, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That:* all sales of real property within this commonwealth, made since the passage of the act to which this is a supplement, by sheriffs or coroners, after the return day of their several writs of *levari facias*, *fieri facias*, *venditioni exponas*, or other writ of execution, shall not on account of such irregularity in such proceeding be set aside, invalidated, or in any manner affected, and such sales so made shall be held as good and valid, to all intents and purposes, as if such sales had been made on or before the return day of such writs respectively; but this section shall not affect any sale heretofore adjudged to be illegal by any court.

Sales, after return day of writs of execution, confirmed.

Exception.

SECTION 2. That after the first day of July next, all sales of real estate by sheriffs and coroners, shall be made on or before the return day of the writs respectively, or within six days thereafter.

Of real estate extended.

SECTION 3. That in all cases where real estate has heretofore been extended, and the plaintiff has failed to signify, within ten days after the inquisition, his election, to permit the defendant to retain the possession at the appraisement, it shall be lawful for any such plaintiff to signify such election within sixty days from the passage of this act, and to proceed therein in all other respects as to the acceptance or refusal of the defendant, or other person claiming under him; and as to sale of the premises, as is directed in other cases.

Revivals of judgments within five years, may be issued on.

SECTION 4. That hereafter it shall not be deemed error to issue any writ of execution on a judgment, in any court, which has not been revived within a year and a day, if the same have been revived within five years.

Mechanics' lien law construed.

SECTION 5. It is hereby declared that the provisions of the act, approved June sixteenth, eighteen hundred and thirty six, entitled "An Act relating to the lien of mechanics and others upon buildings," according to the true intent and meaning thereof, extend to and embrace claims for labor done, and materials furnished and used in erecting any house or other building which may have been or shall be erected under, or in pursuance of any contract or agreement for the erection of the same, and the provisions of the said act shall be so construed; and no claim, which has been or may be filed against any house or other building, or the lien thereof, or any proceedings thereon, shall be in any manner affected by reason of any contract having been entered into for the erection of such building, but the same shall be held as good and valid as if the building had not been erected by contract: *Provided*, That no case shall be affected by this section, which may have been decided by the supreme court, or in which the proceeds of the sale of any real estate may have been distributed by the decree of any court, from which no appeal has been taken.

Proviso.

SECTION 6. That all the official acts of George Elliott, esquire, as an acting justice of the peace in Armstrong, now Clarion county, shall be deemed as good and valid in law, to all intents and purposes, as if confirmed. Official acts of George Elliott, confirmed.

SECTION 7. That the official acts of Richard Lancaster, esquire, of the county of Wayne, as a justice of the peace, auditor, commissioner and treasurer and sheriff of said county, are hereby made as legal and valid, the same as if the said Richard Lancaster had been a naturalized or native born citizen of the United States. Official acts of Richard Lancaster, confirmed.

SECTION 8. That the recorder of deeds of Montgomery county shall procure a suitable book, and cause to be made therein, in a plain and legible hand, under the direction of the judges of the court, a general index to the commissions, bonds, oaths of office, and other instruments relating thereto, of persons who have held offices within said county, in such manner as to afford a convenient reference to the same, for the costs of which book, and the services of the recorder, he shall be allowed such sum as the said judges and county commissioners shall think reasonable to be paid, by orders drawn by said county commissioners on the county treasurer, and said book shall remain in said office, and the said index be continued by the recorder of deeds for the time being, without any fees or compensation therefor. Recorder of Montgomery co. to index commissions, &c. Costs.

SECTION 9. That it shall not be the duty of any coroner of the county of Philadelphia to hold an inquest on the body of any deceased person, unless the said deceased person shall have died of violent death, and if the said coroner shall hold an inquest in any other case, he shall not be entitled to compensation therefor; that instead of the fees now allowed him by law, the said coroner shall receive, for each inquest held by him, the sum of four dollars, and that when he shall make any payments for jury fees, witnesses or burials, he shall take receipts for all sums so paid, and upon presentation of an account of such payments, certified to be correct and true, by the oath or affirmation of the said coroner, before a proper officer, accompanied by said receipts, he shall be entitled to a reimbursement of said sums from the county treasury: Duty of coroner of Philadelphia county. Fees. *Provided,* That the fees to be received by the coroner, for his own services, shall not exceed the sum of fifteen hundred dollars per annum; it shall not be lawful for the said coroner to summon more than six jurors on any one inquest. Payment. Amount limited.

SECTION 10. That the judges of the court of common pleas for the county of Philadelphia, shall not appoint more than two criers, and four tipstaves or constables, to attend upon the court of common pleas, orphans' court, and registers' court for said county—and one crier, two tipstaves and seven constables, to attend upon the courts of oyer and terminer and general quarter sessions of the peace of the said county; and the judges of the district court for the city and county of Philadelphia, shall not appoint more than two criers, and four tipstaves or constables, to attend upon the said court; and the said criers and tipstaves shall receive, respectively, the sum of one dollar and fifty cents per day, for every day's actual attendance upon the said courts, to be paid out of the county treasury, upon the certificate of the president and one of the associate judges of the said courts respectively; and all laws or parts of laws hereby altered or supplied, be and the same are hereby repealed. Appointment of tipstaves and criers by court of common pleas Philadelphia. Criers and constables, district court city and co. Philadelphia. Pay.

First sec. of act of April 16, '40, construed. **SECTION 11.** It is hereby declared to be the true intent, meaning and construction of the first section of the act, entitled "An Act relating to executions, and for other purposes," approved April sixteenth, eighteen hundred and forty, that any record therein mentioned, where any party to the judgment may at any time have died, might be transmitted and filed in any court in any county, either before or after the substitution of the legal representatives of any deceased party, and the substitution be made after filing such record; and that in all cases in which any such record should be transferred and filed before any such substitution, the court into which the record might be removed, should, after substitution of parties, proceed thereon as if the judgment had been originally entered in said court; and no judgment or record so transmitted and filed before such substitution, shall be set aside, stricken off, or in any way affected or invalidated, by reason of there being no substitution of parties before such transmission and filing thereof, and all records and judgments which may have been set aside or stricken off, shall be and the same are hereby restored to all intents and purposes: *Provided*, This section shall not interfere with, or affect any case which may have been adjudicated by the supreme court, or settled by the parties in interest: *Provided also*, That this section shall not affect any interest of any person who may have entered any judgment, subsequent to such setting aside or striking off, and before such restoration.

Of substitution of parties to the record.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

(C) See "Resolution correcting errors in certain acts," approved sixteenth April, one thousand eight hundred and forty-five.

No. 350.

AN ACT

Appointing commissioners to run and establish the line between the counties of Warren and M'Kean, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Andrew H. Ludlow of Warren county, John Williams and Jonathan Marsh of M'Kean county, be and are hereby appointed commissioners to run, mark, and permanently fix the boundary line between the counties of Warren and M'Kean: *Provided,* That said line shall commence on the north and south line of the east side on tract number three thousand seven hundred and forty, in Corydon township, M'Kean county, and run as near as may be in order to make the line reasonably straight along the back line of the river tier of tracts, so as to intersect the line dividing the said counties of Warren and M'Kean within one mile of the western side of the Kinzua creek; and the voters in that part of Corydon township which shall fall within Warren county, shall hold their elections at the school house in Corydon village. Commissioners. Line. Voters in Corydon township.

SECTION 2. That the Susquehanna canal company is hereby required to remove, or cause to be removed, upon ten days notice given to any of the officers or agents of the company, any obstructions which may exist in or near the schute of the dam erected by the said company across the Susquehanna, at Columbia; and also, the obstructions which may exist in or near the schute of the dam of the said company at the mouth of the Conestoga, so that the descending navigation of the Susquehanna shall not be injured or obstructed, and the said obstructions shall be so removed, and the said schutes so repaired as to enable crafts of all kinds to pass the same with safety, according to the requisitions of the supplement to the act, entitled "An Act to authorize the governor to incorporate the Susquehanna canal company," passed twenty-first March, Anno Domini one thousand eight hundred and thirty-six, and upon failure by the company to remove the said obstructions and repair the said schutes, then the canal commissioners are hereby authorized and required to close the outlet lock at Columbia, which shall remain so closed until the provisions of this act shall have been fully complied with. Susquehanna canal company to remove obstructions. Penalty.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 351.

AN ACT

Supplementary to an act, entitled "An Act to preserve and perfect the validity of judgments entered upon the continuance or appearance dockets of the courts," and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the omission or failure of the prothonotaries of the courts of common pleas of Cambria and Union counties, subsequent to the passage of an act of assembly of this commonwealth, entitled "An Act to preserve and perfect the validity of judgments entered upon the continuance or appearance dockets of the courts," and approved the third day of April, one thousand eight hundred and forty-three, to transcribe into or enter upon the judgment or other lien dockets of said counties, any judgment or judgments, or other liens, according to the third section of the act of one thousand eight hundred and twenty-seven, which have been properly entered upon the appearance or continuance dockets of said counties, or which appear upon the minutes of the president judge of the courts of said counties, shall in no wise invalidate or impair such judgments or liens; and all such judgments and liens which shall have been so entered upon the appearance or continuance dockets of said counties, or which appear upon the minutes of the president judge of the courts of said counties, shall be deemed good and valid, to all intents and purposes, as though they had been duly entered upon the judgment or other lien dockets: *Provided,* That all transcripts of judgments, confessions of judgments, and judgment bonds which are now on file in the prothonotaries' office of the counties aforesaid, shall have the same validity, and shall be deemed good to all intents and purposes, as though they had been duly entered upon the continuance and judgment dockets of said county: *And provided,* That purchasers bona fide without notice of the omission to make the proper entries of judgments upon the judgment docket, shall not be affected by the provisions of this act: *And provided further,* That no judgment entered in any of said books shall be deemed irregular or invalid, unless it shall be made to appear that the same was entered by a person who then had a knowledge of entering the same contrary to law: *And provided further,* That nothing contained in this act shall be construed to release the prothonotaries of the said counties of Cambria and Union, from keeping a judgment or lien docket according to the provisions of the existing laws.

Judgments and liens in Cambria county, not entered.

Transcripts and confessions.

Proviso.

Justices ineligible to office of prothonotary or clerk.

Jurisdiction of court of common pleas of Philadelphia co., and supreme court.

SECTION 2. That no person hereafter elected shall be capable of holding and exercising, at the same time, the office of justice of the peace, and that of prothonotary or clerk of any court.

SECTION 3. That section thirty-nine of the act, entitled "An Act regulating election districts, and for other purposes," shall be construed to give jurisdiction to the court of common pleas for the county of Philadelphia, and the supreme court within the city and county of Philadelphia, in all cases where chancery entertains jurisdiction under

er of the heads of fraud, accident, mistake and account, whether h fraud, accident, mistake, or account be actual or constructive.

SECTION 4. That so much of the act, entitled "An Act to allow and Repeal. ulate appeals to the supreme court for the Eastern district of Penn- vania, from the decrees in equity of the court of common pleas of the nty of Philadelphia," passed the seventeenth day of March, one usand eight hundred and forty-five, as allows and provides for ap- ds from interlocutory orders or decrees of the said court of common as, be and the same is hereby repealed.

SECTION 5. That it shall be lawful for the county commissioners and List of jurors in : prothonotary of Schuylkill county, to have the lists of jurors drawn Schuylkill co. serve at the several courts of said county, and the trial and argument to be published. is of the several terms of said court, published in not less than two wspapers printed in said county, for any time not more than four eks prior to the commencement of the terms of said court; and said mmissioners shall pay a reasonable compensation for such publica- n, out of the county funds of said county.

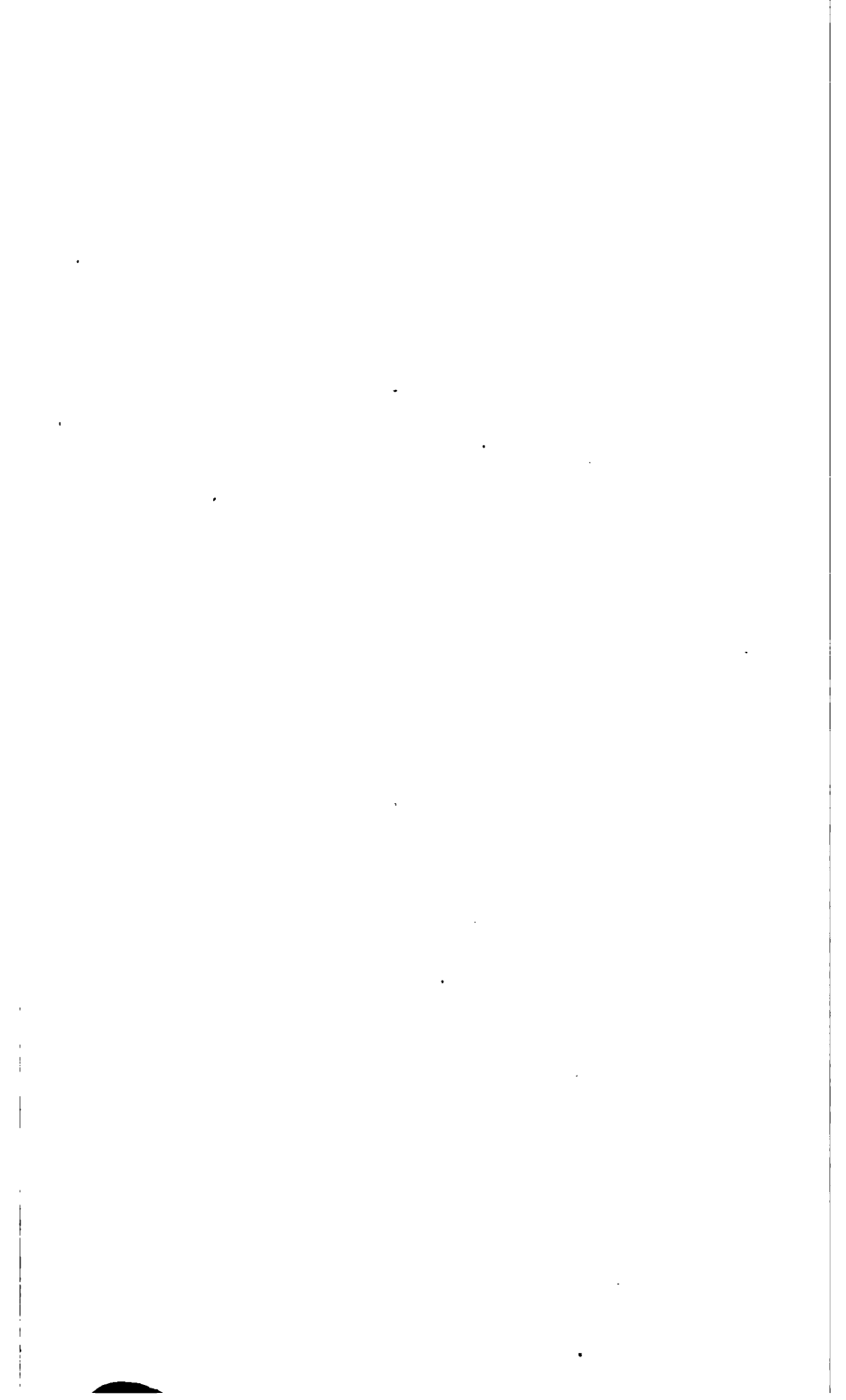
SECTION 6. That from and after the first day of June next, the April Terms of court of m of the court of common pleas in the county of Lebanon, shall common pleas of mmmence and be holden on the second Monday of April; and the Lebanon county. pril term of the court of common pleas in and for the county of Dau- in, shall commence and be holden on the fourth Monday of April; Dauphin county. id each of the terms of said courts in the said counties, shall continue o weeks, if the business in said respective courts shall require it.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.



RESOLUTIONS

PASSED SESSION OF EIGHTEEN HUNDRED AND FORTY-FIVE.

No. 1.

RESOLUTION

Relative to the publication of tavern licenses in the city of Lancaster, during the January term of the mayor's court for the present year. Anno Domini, one thousand eight hundred and forty-five.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That from and after the passage of this resolution, so much of the act, entitled "An Act supplementary to the various acts relating to tavern licenses," Licenses. passed March twenty-ninth, one thousand eight hundred and forty-one, as requires publication in two newspapers where the application is made, Publication of. in any of the cities of this commonwealth, be and the same is hereby repealed, so far as it respects any applicants for tavern licenses in the Repealed. city of Lancaster, at the January term of the mayor's court, for said Lancaster city. city for the present year, Anno Domini, one thousand eight hundred and forty-five, and that the publication in one paper for the purposes Except in one paper. aforesaid, during said period, be considered sufficient.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The sixteenth day of January, one thousand eight hundred and forty-five.

DAVID R. PORTER.

No. 2.

RESOLUTION

Authorizing the Hon. Charles Huston to copy certain papers relative to land titles.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That permission be given to Charles Huston, late an associate justice of the supreme Chas. Huston.

To take extracts
without fees.

court of this state, to take, without paying office fees, but at his own expense, copies or extracts of any and all regulations by the proprietors of this (then) province, as may be necessary to him in compiling a book he proposes to write, on the history and nature of titles to land within this state.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of January, one thousand eight hundred and forty-five.

DAVID R. PORTER.

No. 3.

RESOLUTION

Relative to the account of Daniel Rissell.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the state treasurer is hereby authorized to pay to Daniel S. Rissell, the sum of fifteen dollars, in full for services performed at the request of the speaker of the house, in conveying to the sheriff of Berks county the writ of election to supply the vacancy occasioned by the death of James N. Hunter, a member elect of said county.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighteenth day of January, one thousand eight hundred and forty-five.

DAVID R. PORTER.

No. 4.

RESOLUTION

Repealing the act relative to employing counsel in the cases of the Commonwealth vs. Thomas Weaver and Frederick Fritz.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the resolution relative to employing counsel in the cases of the Common-

Health vs. Thomas Weaver and Frederick Fritz, approved May twenty-fourth, one thousand eight hundred and forty-four, be and the same is hereby repealed, and the attorney general is hereby directed to proceed in the prosecution of said suits with as little delay as practicable. Repeal.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 5.

RESOLUTION

Relative to the election of overseers of the poor of the city of Pittsburg.

WHEREAS, At an election for overseers of the poor for the city of Pittsburg, held on the seventh of January last, there was a failure to elect one of said overseers, in consequence of there being a tie vote between two of the candidates: *And whereas*, There are doubts as to the power of the councils of said city to order a special election to supply the vacancy; therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the select and common councils of the city of Pittsburg, be and they are hereby authorized to order a special election to supply the before mentioned vacancy; and when hereafter a vacancy shall occur in the board of overseers of the poor of said city, it shall and may be lawful for the before mentioned councils to order a special election to fill the same, and the general powers conferred upon said councils in regard to regular elections of overseers of the poor, are hereby extended to special elections held under this act. Councils order special election.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of February, A. D. one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 6.

RESOLUTIONS

Relative to a M'Adamized national road from the United States arsenal, at Pittsburgh, to the harbor at Erie.

Preamble.

WHEREAS, The national importance of a direct communication from some convenient point at or near the United States arsenal, at Pittsburgh, and the state arsenal at Meadville, to the great harbor of the lake at Erie, has for many years been conceded, and has been repeatedly urged upon the consideration of congress; and it is believed that a united expression of the people of this commonwealth, made upon this subject through their representatives, would have a strong influence in securing thereon the most efficient action of congress; therefore,

M'Adamized road—Pittsburg and Erie.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our senators and representatives in congress, be requested to use their best exertions to procure the passage of a law, to authorize the construction of a M'Adamized national road, from a point at or near the United States arsenal, at Pittsburgh, and by way of the state arsenal, at Meadville, to the harbor at Erie, as a most important national improvement necessary for the safe, cheap, and speedy transportation of troops and munitions of war to our northern frontier, which has been selected heretofore as the point of attack by foreign enemies.

Purposes.

Resolved, That the construction of the proposed M'Adamized road, while it would answer the most valuable national purposes, would also afford great facilities and encouragement to the improvement of the entire region of country through which the same would pass, by thus opening so important an avenue between our great northern frontier and Atlantic sea board.

Governor.

Resolved, That the governor be requested to transmit a copy of the foregoing preamble and resolutions to each of our senators and members in congress.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 7.

RESOLUTION

Relative to the claim of Sarah Pettit.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the canal commissioners be and they are hereby directed to examine the claim of Sarah Pettit, on account of a lost certificate for work done on the Delaware division, Pennsylvania canal, in one thousand eight hundred and thirty-four, and if they are satisfied it has not been paid, to settle and pay the same out of the repair fund : *Provided,* The same shall not exceed thirty-seven dollars, in full.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The sixth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 8.

RESOLUTION

Relative to an inventory of the state library.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the State treasurer to state treasurer be and he is hereby authorized and required to pay, out of any money in the treasury not otherwise appropriated, the sum of forty-six dollars to A. B. Stoughton, and a like sum of forty-six dollars to J. S. M'Vey, which will be in full for services rendered by them, in taking an inventory of the books and other property belonging to the state library.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of March, A. D., one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 9.

RESOLUTION

Relating to turnpike stock purchased by S. Meylert, and for other purposes.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the auditor general of the commonwealth be authorized and required, upon proof of the destruction by fire of the certificates which were issued and signed by the commissioners for the sale of the stock held by the commonwealth in the Philadelphia and Great Bend turnpike road company to the said S. Meylert, to issue certificates for one hundred shares in the turnpike company above stated, which certificates shall have like effect, and the owner thereof entitled to the same rights and privileges as the certificates issued by the commissioners appointed for that purpose: *Provided,* That before new certificates shall be issued to the said S. Meylert, he shall furnish to the state treasurer, to be approved of by him, a bond indemnifying the state from any loss that may accrue to the commonwealth in consequence of said issue.

Resolved, That the sequestrator of the Somerset and Mount Pleasant turnpike road is hereby authorized to settle and adjust all arrearages due for repairs done on said road within one year previous to his appointment as sequestrator, and to pay the same when so settled by him out of any money in his hands arising from tolls received on said road; and for any such payment or payments, he shall be entitled to claim a credit in full on the settlement of his next or any future account.

Resolved, That the sequestrator of the Lewistown and Huntingdon turnpike road company shall be appointed by the court of common pleas of Mifflin county, annually, at the April term; and in case of resignation or removal of the sequestrator, the vacancy shall be filled at the first court thereafter, and no agent, or other person connected with any stage company, running stages on said road, shall be appointed sequestrator thereon; the sequestrator on said road shall pay quarterly at least fifty per cent. of the tolls received on said road, towards the liquidation of the claims of Thomas Ker, late sequestrator, and William Steely, and others, for labor on repairs of said road, agreeably to the auditor's report made to the court of common pleas of Mifflin county, and confirmed by said court.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The eighth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 10.

RESOLUTION

Explanatory of the act of assembly approved the nineteenth day of February, one thousand eight hundred and forty-five.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That nothing contained in the act approved the nineteenth day of February, A. D. one thousand eight hundred and forty-five, entitled "An Act regulating election districts," shall be so construed as to allow the citizens of the borough of Manayunk, in the county of Philadelphia, to vote for judge and inspectors of elections at the township election for township officers, on the third Friday of March annually; and the judge and inspectors elected on the day aforesaid, shall hold all general, special, and township elections for township officers during the year for which they may be elected.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The seventeenth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 11.

RESOLUTION

Relative to the improvement of the Allegheny river.

WHEREAS, It is the true policy of the national government to improve the harbors and national rivers of our country, and thus provide for its general defence, and unite more intimately the various states of our Union; therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That our senators and representatives in congress be requested to support measures for the improvement of the steamboat navigation of the Allegheny river, from Pittsburg, in Pennsylvania, to Hamilton village, in the state of New York.

Governor.

Resolved, That the governor of the commonwealth be requested to forward a copy of the foregoing preamble and resolutions to each of our senators and representatives.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twentieth day of March, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 12.

RESOLUTION

Relative to certain school districts.

Preamble.

WHEREAS, It appears that the school districts of Londonderry, in the county of Lebanon, and Logansville, in the county of Clinton, have been prevented, by peculiar circumstances, from receiving the amount of appropriations due to them as accepting districts; therefore,

Warrants on state treasurer.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the superintendent of common schools of this commonwealth be, and he is hereby authorized and directed to draw his warrant on the state treasurer, in favor of the respective treasurers of Londonderry school district, in the county of Lebanon, and Logansville school district, in the county of Clinton, for such sums as each of the said districts would have been entitled to receive, if their certificates of assessment of school tax had been filed before the passage of the act, entitled "An Act to provide for the ordinary expenses of government, repair of the canals and railroads of the state, and other claims upon the commonwealth," approved the thirty-first day of May, one thousand eight hundred and forty-four.

Warrants in certain cases to be drawn.

SECTION 2. That the superintendent of common schools be, and is hereby authorized and directed to draw his warrant on the state treasurer in favor of the respective treasurers of the thirty-nine remaining school districts, which again accepted the common school system, in March, one thousand eight hundred and forty-four, and did not file their certificates of assessments before the thirty-first of May last, for their respective portions of the school appropriation for one thousand eight hundred and forty-four, in the same manner as if their certificates of assessment had been filed before the thirty-first of May last: *Provided*, That before the superintendent of common schools shall issue a warrant in favor of the treasurer of any district, under the provisions of this act, he shall be satisfied by the affidavit of one or more school directors of such district, that they have complied with the requirements of existing

Proviso.

s relative to the assessment of a tax for school purposes, and have
gressed with proper diligence in the collection of the same.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The twenty-seventh day of March, one thousand eight
hundred and forty-five.

FRS. R. SHUNK.

No. 13.

RESOLUTION

To extend the time for completing the Danville railroad.

*Resolved by the Senate and House of Representatives of the Com-
monwealth of Pennsylvania in General Assembly met, That the
time limited by the nineteenth section of the act of the sixteenth April,
one thousand eight hundred and forty, entitled "An Act to incorporate
the Danville railroad company," for the completion of said road, be
extended for the period of five years from and after the expiration of the
period mentioned in said section.*

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The first day of April, one thousand eight hundred and
forty-five.

FRS. R. SHUNK.

No. 14.

RESOLUTION

Relative to the claim of John S. King and Company.

Canal commis-
sioners to settle.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the canal commissioners be and they are hereby authorized to examine and settle the claim of John S. King and Company, for a balance due for four thousand seven hundred and forty-six barrels and eighty-three pounds of water lime delivered by them on the Erie extension of the Pennsylvania canal, under their contract with Hugh Keys, the superintendent, dated the fourth day of June, one thousand eight hundred and thirty-nine, according to the terms of said contract, making such deduction for deficiency in the quality of the lime at the time of its delivery, if any, as said canal commissioners may think would be just and proper, and allowing interest on the residue from the passage of the resolutions relative to the payment of interest to domestic creditors, approved April seventh, one thousand eight hundred and forty-two, and to draw the warrant on the state treasurer in favor of said John S. King and Company, for the amount so found to be due, which shall be paid out of any moneys in the treasury.

To draw war-
rant on state
treasurer.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 15.

RESOLUTION

Relative to the claims of Thomas Collins.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the canal Canal commissioners be and they are hereby authorized and directed to examine the estimates of work done, and materials furnished by Thomas Collins on the Pottsville extension of the Pennsylvania railway, and if they discover an error in the said estimates, or in the accounts settled for said work materials, they are hereby authorized to ascertain and fix the amount which he is entitled to, and report their determination and reasons therefor to the legislature. Report to legislature.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The third day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 16.

RESOLUTION

Relative to the claim of Philip Noon.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the canal Canal commissioners be and they are hereby authorized to examine the claim of Philip Noon, for furnishing horse power on the Summit level between inclined planes numbers five and six, on the Portage railroad, in the year eighteen hundred and forty-three, and if they shall ascertain that there was a contract either express or implied between said Philip Noon and the superintendent of said road, whereby a greater price was to be allowed than was fixed by the contract for said level for said year, they shall allow him such amount as may be found justly due. To allow.

FINDLEY PATTERSON,

Speaker of the House of Representatives.

WILLIAM P. WILCOX,

Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 17.

RESOLUTION

To compel the Susquehanna and Tide Water canal company to receive their notes and certificates for tolls.

Preamble. WHEREAS, The Susquehanna and Tide Water canal company has issued notes, in the form of bank notes or certificates of indebtedness, which read on their face redeemable in the bonds of the company, bearing an interest of six per cent., payable semi-annually, and to be received in payment of tolls on the canal: *And whereas*, The said company has refused to receive their notes or certificates of indebtedness in payment of tolls, and a large proportion thereof has fallen into the hands of persons who are unable to bear the loss: therefore,

Canal commissioners. *Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met*, That the canal commissioners of this commonwealth be, and they are hereby authorized and required to close the out-let lock at Columbia, and thereby cut off all communication with the Susquehanna and Tide Water canal company, so long as the said company shall refuse to redeem their notes or certificates of indebtedness in current funds, or receive the same in payment of tolls, when offered in sums, not exceeding fifteen per cent. of the amount of toll demanded of captains, owners and agents, having the charge or care of boats or crafts in descending said canal, which said fifteen per cent. of said toll shall be credited upon the back of said notes or certificates of indebtedness, when presented: *Provided*, That this resolution shall not take effect until ten days after the passage of this resolution.

Issues of company to be taken for toll. *Resolved*, That the said company shall receive in payment of tolls their notes and certificates of any and every denomination, and if the note or certificate tendered by any person in payment of toll be for a larger amount than the amount of toll proposed to be paid by such person, then and in that case the company shall receive it, and pay back to the person offering it the change or difference between the amount tendered and the amount to be paid in their own notes: *Provided*, That if the said company shall be unable to pay the change or difference between the amount tendered, and the amount to be paid, that then and in that case the said company shall receive on deposit, and shall give a certificate of deposit for the balance of the amount, after deducting the toll, and hold said deposit, subject to the check of the person depositing the same, to be paid to him either in their own notes, or to be made applicable to tolls, as they shall become due by the depositor: *Provided further*, That the said company shall not be compelled to pay a larger per cent. on their notes and certificates than is required by the first section of this resolution.

Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

WILLIAM P. WILCOX,
Speaker of the Senate.

APPROVED—The fourteenth day of April, one thousand eight hundred and forty-five.

FRS. R. SHUNK.

No. 18.

RESOLUTION

Relative to Charles Horton, prothonotary of Elk county.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That Charles Horton, prothonotary of Elk county, appointed to fill the vacancy occasioned by the death of Wm. J. B. Andrews, in the said county of Elk, be exonerated from the payment of any fees on his commission. Exempt from payment of fees.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five. FRS. R. SHUNK.

No. 19.

RESOLUTION

Relative to the claims of the Reliance Portable boat company.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the canal commissioners be, and they are hereby required to examine the claims of the Reliance Portable boat company, for injury done to two sections of the canal boat Indiana, and the trucks damaged at the inclined plane near Philadelphia, on the evening of September fifth, eighteen hundred and thirty-nine; and also, for damage done to the canal boat Alabama, at plane number one, on the Allegheny Portage railroad, the seventeenth of May, one thousand eight hundred and forty-one, and to ascertain and report the amount of damages, if any, to the next legislature: *Provided,* That no damages shall be allowed under the provisions of this act, unless it shall be made obvious that the accident or accidents occurred in consequence of insufficiency of the state ropes, or negligence of the state agents: *And provided also,* That the damages allowed, if any, shall in no case exceed the actual expenses necessarily incurred for repairs at the time. Canal commissioners. Damages. Proviso.

FINDLEY PATTERSON,
Speaker of the House of Representatives.
JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five. FRS. R. SHUNK.

No. 20.

RESOLUTION

Correcting errors in certain acts.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the following proviso be added to the eleventh section of the bill, entitled "An Act concerning certain sheriffs and coroners sales, and for other purposes," to be taken and considered as part of said section: *Provided also,* That this section shall not effect any interest of any person, who may have entered any judgment subsequent to such setting aside or striking off, and before such restoration: *And provided further,* That the third section of bill number five hundred and sixty one, of the house of representatives file, authorizing William Ayres, and others, to purchase certain real estate, &c., be and the same is hereby stricken from said bill: *And provided,* That nothing in the act, entitled "An Act supplementary to an act, entitled 'An Act to preserve and perfect the validity of judgments entered upon the continuance and appearance dockets of the courts, and for other purposes,'" shall be construed so as to affect or prejudice the rights or interests of any mortgagee or judgment creditor, acquired before the passage of the said act and supplement thereto.

Proviso added to 11th section.

Proviso.

Third section stricken from.

FINDLEY PATTERSON,
Speaker of the House of Representatives.

JNO. B. STERIGERE,
Speaker of the Senate.

APPROVED—The sixteenth day of April, one thousand eight hundred and forty-five.

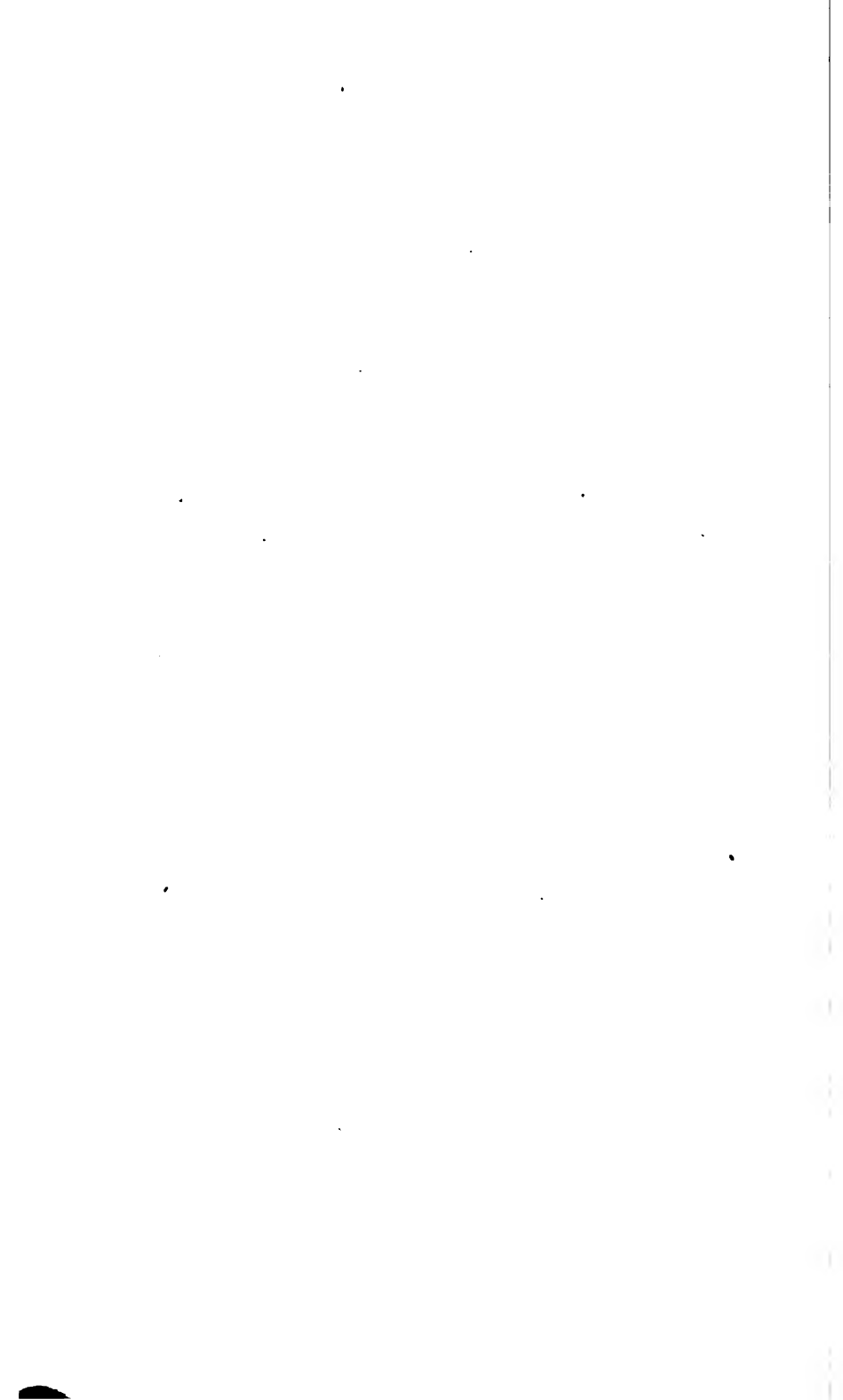
FRS. R. SHUNK

CERTIFICATE.

SECRETARY'S OFFICE,
HARRISBURG, *May 26, 1845.* }

I certify, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with and corrected by the original rolls on file in this office, the proof sheets of the printed copies of this edition of the Laws and Resolutions of the General Assembly, passed during the session ending on the sixteenth day of April, A. D., one thousand eight hundred and forty-five, including seven laws, passed by both branches of the Legislature, at the session of one thousand eight hundred and forty-four, which, not having been signed by the Governor, nor returned with his objections, became laws, under the provisions of the constitution, during the late session.

J. MILLER,
Secretary of the Commonwealth.



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